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**Minister's Appearance Before the
Special Joint Committee on the Declaration of Emergency
(DEDC)**

Invocation of the *Emergencies Act*

Tuesday, April 26, 2022

Canada

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Special Joint Committee on the Declaration of Emergency (DEDC)
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**Appearance Before the
Special Joint Committee on the Declaration of Emergency (DEDC)**

Invocation of the *Emergencies Act*

Tuesday, April 26, 2022

Overview Note

The Special Joint Committee on the Declaration of Emergency (DEDC) has invited you to appear to discuss the invocation of the *Emergencies Act*.

General Information

Date: Tuesday, April 26, 2022
Time: 6:30 p.m. to 8:00 p.m.
Duration: One and a half hours
Location: Room 025 West Block

Other Details:

- The meeting will be public and will be televised
- Minister Lametti and his officials will appear directly after you, from 8:00 p.m. to 9:30 p.m.

Officials

The following officials will support you during the appearance:

- Rob Stewart, Deputy Minister, Public Safety
- Brenda Lucki, Commissioner, Royal Canadian Mounted Police
- John Ossowski, President, Canada Border Services Agency
- David Vigneault, Director, Canadian Security Intelligence Service

Opening Remarks

At the beginning of the meeting, the Chair will invite you to deliver opening remarks. These should last approximately five minutes and will be followed by questions from committee members.

Rounds of Questions

Allocation of question time will be at the discretion of the Chair, but should proceed as follows, based on procedural motions adopted by DEDC on March 14, 2022:

First Round:

- four minutes House of Commons Conservative
- four minutes House of Commons Liberal
- four minutes House of Commons Bloc Québécois
- four minutes House of Commons New Democratic Party
- four minutes for each senator

Second Round:

- three minutes House of Commons Conservative
- three minutes House of Commons Liberal
- two minutes House of Commons Bloc Québécois
- two minutes House of Commons New Democratic Party
- two minutes each for two senators on a rotational basis to be determined by the Senate parliamentary groups

Speaking Notes
for
The Honourable Marco Mendicino
Minister of Public Safety

**Appearance Before the Special Joint Committee on
the Declaration of Emergency**

Tuesday, April 26, 2022

Check Against Delivery

Word Count: 836 (6.5 mins)

Honourable Joint Chairs and Committee Members,

Thank you for the invitation to speak to you briefly today, on the declaration of an emergency under the *Emergencies Act*.

As members know, the *Act* was invoked on February 14th, following blockades that illegally disrupted the lives of Canadians, harming our economy, and endangering public safety.

Invoking the *Act* was not something we undertook lightly.

We were clear from the start that we did not want to use it for a single moment longer than necessary.

That's why the Government revoked the *Act* ten days later, when we assessed that the situation diminished sufficiently so as to no longer warrant its use.

We also knew from the start that our decisions would undergo the strictest amount of scrutiny.

The Government has been clear about its critical commitment to continue to be accountable and transparent in all it does.

All Canadians should rightly expect to see, understand, recognize and ultimately have trust in how their government institutions act on their behalf.

Especially following the invocation of an emergency.

Indeed, the creation of this Committee enshrined in the *Act* is a true demonstration of accountability and transparency.

Section 62(1) of the *Emergencies Act* stipulates that, "*the exercise of powers and the performance of duties and functions pursuant to a declaration of emergency shall be reviewed by a committee of both Houses of Parliament designated or established for that purpose.*"

I'm confident that this joint Committee will, in reviewing the declaration of emergency that Government made, provide the necessary scrutiny and accountability that Canadians expect.

This is important work.

By now, many of you will have already participated in fulsome debates about the need for invoking an emergency.

All of those discussions have been public, and indeed, televised and prepared in text on Hansard for all to see.

But this Committee will be able to take that work a step further.

All Canadians should be confident that their Government is following the rule of law.

And that's why I welcome the Committee's review of this critical use of the *Act*.

Chairs, Members: the purpose of the *Act* has been well-explained to this Committee already.

But I will highlight that it is explicit in how it is to be used, which is to say, to fill any gaps in existing federal and provincial or territorial legal authorities needed to respond to the emergency.

The actions of the so-called "Freedom Convoy" and the movement it inspired left no doubt as to whether invoking an emergency was needed.

In the weeks leading up to the invocation, we saw a gain in momentum for the movement across the country, with a significant increase in numbers in Ottawa.

We saw illegal protests and blockades including at strategic ports of entry.

Participants adopted a number of threatening tactics, causing fear, disrupting the peace, impacting the Canadian economy, and feeding a sense of public unrest.

We were also made aware of organized elements from extremist groups involved in what was happening, threatening our institutions and our economy, which cannot be allowed.

While the right to freedom of expression and peaceful assembly is an important part of our democracy, individuals are not justified in breaking the law or engaging in violence.

In shock, we all witnessed:

The harassing and berating of citizens and members of the media;

Slow rolling causing traffic mayhem including near ports of entry;

Threats to economic security and critical infrastructure, and significant evidence of illegal activity; and

Not to mention a breakdown in the distribution chain and availability of essential goods.

It is the Government's job to act in times of crisis.

It was clear we needed to invoke the *Act* to supplement the authorities available to address the blockades and occupation, to keep Canadians safe, protect jobs and restore confidence in our institutions.

And doing so helped to regulate crowds, prohibit illegal blockades and keep essential corridors open, mobilize essential services, set up secure areas, as well as freezing financing of the occupations and preventing foreign money from funding the blockades.

These measures were targeted, temporary and proportionate.

We invoked them only after exhausting other options and after consulting provinces and territories.

As the architect of the *Act*, the Honourable Perrin Beatty said to this Committee, *"the authorities have cited several ways in which the Act helped...it made it easier to cordon off downtown Ottawa, and significantly cut the time to authorize police from other jurisdictions to assist."*

Members, he went on to raise the question: *"Did the Act meet the twin goals of allowing the authorities to respond quickly and effectively in a crisis, while limiting the impact on civil liberties?"*

Which he followed by saying, *"My answer is that it did."*

As I have stated, our goal was to ensure we did not abandon Canadians – or our law enforcement – in a time of great need.

And I'm confident your review of the facts will inspire their confidence that the right decisions were made.

Joint Chairs, Honourable Members, I want to thank you for your ongoing consideration of the measures we have taken.

And I look forward to your questions and continued debate.

Thank you.

Emergency Act: Quick Facts

Ottawa:

As of February 21, 2022, the Ottawa Police Service (OPS) reported **close to 200 arrests, 110 people charged and 115 vehicles towed**. (Source: [General News - Ottawa Police Service](#))

Windsor:

In terms of the blockade of the Ambassador Bridge, Windsor Police reported **46 arrests and 90 charges laid** as of February 15, 2022. (Source: [February-15-2022-Update-2 \(windsorpolice.ca\)](#))

Coutts:

On February 14, 2022, RCMP in Alberta executed a search warrant on three trailers associated with a criminal organization participating in the Coutts, AB blockade. This resulted in the **arrest and detainment of 11 individuals** and the seizure of the following:

- 13 long guns;
- Handguns;
- Multiple sets of body armour;
- A machete;
- A large quantity of ammunition; and,
- High capacity magazines.

(Source: [Alberta RCMP make arrests at Coutts Border Blockade | Royal Canadian Mounted Police \(rcmp-grc.gc.ca\)](#))

Pacific Highway:

On February 14, 2022, starting at approximately 8:30 pm, police engaged protesters and 12 people were arrested. This brings the **total arrests to 16**, including those taken into custody on February 13. (Source: [Surrey RCMP - Arrests at the Pacific Highway BORDER Crossing \(rcmp-grc.gc.ca\)](#))

Emergency Measures Economic Order:

On February 23, 2022, the declaration of a public order emergency under the *Emergencies Act* was revoked. As of that day, RCMP action culminated in:

- the **freezing of over 250 financial products** by financial institutions, which included bank, corporate accounts, and credit cards;
- the **disclosure of 57 entities** to financial institutions, which included individuals and owners or drivers of vehicles involved in the blockades; and,
- **identifying 170 Bitcoin wallet addresses** that were shared with virtual currency exchangers.

(Source: RCMP)

Blockades at Ports of Entry:

For the period of February 7 to February 19, **four Ports of Entry (Ambassador, Coutts, Emerson and Pacific Highway)** experienced multi-day service suspensions as a result of protest activity. (Source: CBSA)

Emergency Measures Regulations – Law Enforcement

- **Invoking the *Emergencies Act* was a difficult, but necessary decision made in the best interest of Canada and Canadians.**
- **It reflected the severity and length of unlawful blockades – including over three weeks in Ottawa, and six days in Windsor with the blockade of the Ambassador Bridge – and reflected our collective concern about illegal occupations and non-peaceful protests across the country.**
- **I want to thank police officers from all law enforcement agencies who joined the operations and are working diligently to resolve situations across the country and keeping communities safe.**
- **The orders and measures announced as part of the declaration of a public order emergency were intended to be time-limited, targeted and supplemental to other measures available to law enforcement.**
- **The *Emergencies Act* was only meant to be applied as long as it was needed. Once the situation on the ground changed, law enforcement was able to rely on existing tools and authorities to maintain peace and public safety, and the declaration of emergency was revoked on February 23, 2022, nine days after its proclamation on February 14th.**
- **The Emergency Measures Regulations invoked under the *Emergencies Act* were national in scope but applied specifically to addressing non-peaceful protests and illegal blockades. All law enforcement agencies, including the RCMP, were given additional tools to do their job, and address non-peaceful protests and illegal blockades that may breach the peace.**

- These measures did not remove the authorities of police of local jurisdiction.
- As we have seen, these measures allowed law enforcement to effectively address unlawful public assemblies in Ottawa, prevent adults from bringing children to these areas, turn away people who wish to travel to these assemblies, and stop those who would provide support for lawful assemblies, such as diesel for illegally idling trucks that are creating a blockade.
- There were also new powers to require people to provide essential goods and/or services for the removal, towing and storage of vehicles and equipment that are part of an unlawful blockade, for which they were entitled to compensation at local market rates. I understand that these may have been helpful.
- The Commissioner of the RCMP delegated these powers to key members of her team across the country, as well to the OPP Commissioner.. These powers have been used to secure needed equipment to clear the streets in Ottawa.
- Our goal was to bring a safe end to these illegal blockades and occupations and see order restored as soon as possible to ensure the safety of Canadians and an end to the economic disruptions. I believe we have done so.

IF PRESSED ON ACTIONS TAKEN AS A RESULT OF THE ORDER:

- We all saw the vivid images of police action in Ottawa in late February. The measures provided for under the *Emergencies Act* have helped police to maintain the perimeter, restrict travel and limit access to the downtown core, and ensure that they continue to restrict financial support and other

assistance to protesters. Using all authorities available to law enforcement, as of February 21st there have been close to 200 arrests, 110 individuals charged with various offences laid and a total of 115 vehicles towed.

- We do know that the *Emergencies Act* was used to bring about the peaceful conclusion of the illegal blockades, and to deter unlawful actions and encourage peaceful protests.

IF PRESSED ON WHY OTTAWA WAS NOT DESIGNATED A SECURE ZONE:

- A designation was not required in Ottawa because the assembly was already unlawful. As a result, the police were able to establish a perimeter relying on the Emergencies Measures Regulations and other existing legal authorities to secure and maintain control of the area.

IF PRESSED ON INFRINGING ON PROVINCIAL JURISDICTION:

- While these measure applied nationally, they were not meant to infringe on provincial jurisdiction over administration of justice and policing. Police of local jurisdiction remained in command of police operations and used the measures under the *Emergencies Act* based on their operational requirements.

IF PRESSED ON WHAT ISSUES ARE BEING ADDRESSED BY THE EMERGENCY MEASURES REGULATIONS:

- The measures contained within the Emergency Measures Regulations supplemented existing authorities and provided new tools for law enforcement to address unlawful blockades.

- Police were given the ability to compel individuals and companies to provide the essential goods and services requested for the removal, towing and storage of any vehicles, equipment, structure or other object that is part of a blockade, with reasonable compensation.
- The police were also able to designate secure areas to support their operations, and refuse people travelling to illegal protest with the intention of participating.
- Bringing a minor to participate in such an assembly was a new prohibition, as was entering Canada with the intent to participate in such an assembly.
- Supporting an illegal assembly was also prohibited, and police had the authority to enforce the prohibition by, for example, turning away people who are bringing in food, blankets, shelter materials to an area of an unlawful assembly.

IF PRESSED ON COURT CHALLENGES RELATED TO THE *EMERGENCIES ACT*:

- We are aware of court challenges related to the Emergencies Act. It would be premature to speculate on the outcomes of these judicial processes at this time.
- The measures put in place as a result of the declaration of a public order emergency were temporary, targeted, and proportionate to the threat we faced. The measures were also consistent with the Canadian Charter of Rights and Freedoms, and were revoked once they were no longer necessary.

Background:

Peaceful assembly is a right under the *Canadian Charter of Rights and Freedoms*. However, the protest activities that were seen across Canada related to the Freedom Convoy 2022 exceeded the definition of peaceful assembly, resulting in illegal blockades, disruptions to people's lives and the movement of goods, and the occupation of Ottawa. This created a critical, unique, and urgent but temporary situation that was national in scope, which could not be effectively dealt with under existing laws of Canada. The length of time of these illegal blockades and disruptions – over 21 days for Ottawa, 8 days for the blockade of the Ambassador Bridge, and 17 days for the blockage of the Coutts, Alberta border crossing – created significant adverse effects on the Canadian economy and individual liberties of citizens, at a time when the country is recovering from the impact of the global pandemic. Illegal protests and blockades impacted businesses, manufactures, and critical supply chains have been disrupted, hurting many Canadians, including workers who rely on these jobs.

On February 14, 2022, the Government of Canada announced it was declaring a public order emergency under the *Emergencies Act*. With this declaration, Emergency Measures Regulations (EMRs) and Emergency Economic Measures Order were put in place. These provided law enforcement with additional tools to resolve illegal blockades and the occupation of Ottawa. On February 23, 2022, the declaration of emergency was revoked, and all measures and orders ceased to be in effect, although law enforcement may continue to lay charges for activities that violated the Act during the declaration of emergency.

Existing Tools Available to Address Blockades and Illegal Protests

Prior to invoking the Emergencies Act on February 14, 2022, law enforcement had certain tools available to them in addressing the illegal protests and blockades. These tools included recourse pursuant to the *Criminal Code* as well as provincial and municipal statutes to address the traffic and noise violations. However, despite the existing tools, the situation was rapidly evolving and escalated to the point where the Ottawa police needed the assistance of the province and Canada. The new measures that were introduced have closed the gaps that prevented law enforcement from effectively addressing this public order emergency and provided them the measures needed to resolve it. These new measures build on existing tools, including strengthening the ability to impose fines or imprisonment, and allow the government to secure and protect critical infrastructure, including border crossings and airports. The new measures also provide additional resources to local law enforcement by enabling the RCMP to enforce provincial bylaws where requested.

Despite these existing tools, the situation rapidly evolved and escalated to a point where local law enforcement agencies, including for example the Ottawa Police Service, required additional assistance to address the unique situation of the illegal blockades. The new measures that were introduced through the *Emergencies Act* have provided new tools to help law enforcement effectively address this unprecedented public order emergency. These new measures were additional to existing tools, and were aimed at prohibiting non-peaceful public assembly in order to prevent the interruption of movement of people, goods, or trade. It also aimed at preventing the interference with critical infrastructure, or promoting violence against a person or property. The measures strengthened the ability to impose fines or imprisonment, and to secure and protect critical infrastructure, including border crossings and airports. The new measures also

provided additional resources to local law enforcement by enabling the RCMP to enforce provincial and municipal bylaws where requested.

Emergency Measures Regulations (EMR)

The goal of law enforcement is always to maintain public order and keep citizens safe. The Emergency Measures Regulations, made under subsection 19(1) of the *Emergencies Act*, were in force from February 15, 2022 to February 23, 2022 and responded to the unique challenges associated with the current unlawful blockades, which were unprecedented in their scope and nature. Measures contained within the EMR were temporary and proportionate to the situation, and aimed at ensuring the safety of Canadians during this national emergency, including:

- Prohibiting public assemblies that may reasonably be expected to lead to a breach of the peace;
- Prohibiting the use of property to facilitate or participate in such assemblies;
- Designating and securing protected places;
- Directing persons to render essential goods and services to remove, tow and store vehicles and other items that are part of a blockade, with compensation;
- Prohibiting the use, collection, or provision of property in support of an unlawful assembly – e.g., diesel for illegally idling trucks creating a blockade.
- Authorizing or directing financial institutions to render essential services to relieve impact of blockades, including regulating and prohibiting the use of property to fund or support the blockades, and compelling banks to freeze bank accounts reasonably suspected to have contributed to the public order emergency;
- The imposition of fines, imprisonment, or both, for failure to comply with regulations made under section 19 of the *Emergencies Act* or a lawful order made under them (e.g. direction to provide essential goods and services).

The EMRs created five prohibitions:

- Participating in a public assembly that may reasonably be expected to lead to a breach of the peace, i.e. serious disruption of movement of persons, goods, serious interference with trade, interference with the functioning of critical infrastructure, acts or threats of serious violence against persons or property;
- Causing a minor to participate in or travel near such an assembly (in other words, preventing adults from bringing children to these areas);
- Entering Canada with the intent to participate in or facilitate such an assembly;
- Travelling to or within such an assembly; and
- Using, collecting, providing, making available, or inviting a person to make available – whether directly or indirectly - property to facilitate or participate in such an assembly.

The intent of these measures was to supplement federal, provincial and municipal authorities to address illegal blockades and to restore public order and the rule of law, and ensure that confidence in Canada's institutions continues. These time-limited measures were to be used only where needed by local law enforcement, and did not derogate provinces jurisdiction over the administration of justice and policing.

Ability to Render Goods or Services

Due to the challenges of law enforcement across jurisdictions to procure towing and wrecking services to remove unlawful blockages, the EMRs provided a new authority for the Commissioner of the RCMP and the Minister of Public Safety and Emergency Preparedness or any person acting on their behalf to compel the provision of goods or services needed to remove, tow, and store any vehicle, equipment, structure or other object that is part of a blockade. Those asked to provide services must do so promptly, and will be provided fair compensation.

The Commissioner of the RCMP assigned this ability to appropriate RCMP members across Canada, and had also assigned the ability to the Commissioner of the Ontario Provincial Police (OPP) at their request. This measure has been used, most notably in Ottawa to help remove illegal blockades in front of the Parliament Buildings and other locations.

Designation of a Protected Place

The EMRs identified certain locations as being "designated as protected and may be secured", including critical infrastructure, Parliament Hill and the parliamentary precinct, official residences, government and defence buildings, and monuments such as the War Memorial. Further, the Minister of Public Safety had the authority to also designate additional places if required. This allows for preventative action to secure these locations to aid in law enforcement operations to address illegal assemblies and blockades. During the period that the *Emergencies Act* was invoked, law enforcement operated with the EMR's as they were written.

Peace Officer Authorities

Peace Officer authorities in enforcing the EMRs included:

- To secure certain designated protected places (e.g., critical infrastructure such as airports, utilities, border crossings, and government buildings); and
- Take "necessary measures" to ensure compliance with the EMRs.

Penalties under the EMRs

Contravention of the EMRs or of a lawful order by a peace officer made thereunder may be prosecuted as a summary conviction or indictable offence.

- On summary conviction, a fine not exceeding \$500 or imprisonment for a term not exceeding six months, or both; or
- On indictment, a fine not exceeding \$5000, or imprisonment for a term not exceeding five years, or both.

The normal provisions of the Criminal Code regarding arrest and bringing of charges apply.

Emergencies Act-related Litigation

There are currently four applications for judicial review of the Government's decision to invoke the *Emergencies Act*. The applications have been filed by the Canadian Civil Liberties Association, Canadian Frontline Nurses, Canadian Constitution Foundation, and Jost et al (a summary of each application is provided in Annex B). On March 13, 2022, Justice Canada was provided with correspondence from the Alberta Attorney General to the Federal Court, advising that the Attorney General of Alberta intends to file motions to intervene in each of the CCLA and CCF applications on the basis that the matters raise questions of general importance. All four applications are being considered in a joint case management process.

Separately, there is one self represented claim against the Prime Minister that has been filed in Ontario Small Claims Court.

Annex A : Overview of Key Blockades and Illegal Protest Sites

Ottawa, Ontario

Current Status: Event concluded. Ongoing vigilance and monitoring.

Duration: 42 days and ongoing

Start Date: January 28, 2022

End Date: To be defined by OPS. Gradual reduction by all police forces.

On February 16, after three weeks of occupation, the Ottawa Police Service (OPS) issued a warning to protesters to either leave or be arrested. On February 17, 2022, the Integrated Command Centre (ICC) comprised of RCMP, Ontario Provincial Police, OPS, and other police services commenced enforcement activities. This led to the arrest of key convoy organizers and supporters, including Chris Barber, Tamara Lich, Pat King, Daniel Bulford and Alex Vriend. On February 20, 2022, during the afternoon, Ottawa Police delivered a Trespass Notice to individuals located at Coventry Road, a staging area with extra supplies for the downtown convoy. As of the end of the day, the staging area has been cleared.

As of February 21, 2022, the Ottawa Police Service (OPS) reported close to 200 arrests and 115 vehicles towed. Under the OPS lead, the ICC established operational control of the NCR and continue operations to return the downtown core to a state of normalcy.

The ICC has stood down, and the police of jurisdiction have returned to their regular duties, including continued vigilance around the downtown core. Some continue to protest downtown, which has not been deemed concerning from a public safety perspective. There was a gradual reduction by all police forces, and intelligence agencies and sectors continue to monitor open sources and threats.

Windsor, Ontario

Current Status: Concluded

Duration: 8 days

Start Date: February 7, 2022

End Date: February 14, 2022

On February 7, 2022, the Ambassador Bridge closed in both directions due to significant protest activity, disrupting all cross-border commercial traffic vital to the North American economy. On February 11, 2022, the Superior Court Chief Justice issued a temporary injunction prohibiting individuals from establishing a blockade or impeding access to the Ambassador Bridge. Windsor Police Service provided notices to demonstrators, confirming that anyone involved must immediately cease unlawful act or otherwise, could be facing charges. On February 12, 2022, law enforcement agencies commenced enforcing the injunction and the Bridge was completely reopened on February 14th. In total, 42 individuals were arrested and 37 vehicles were removed.

Emerson, Manitoba

Current Status: Concluded

Duration: 7 days

Start Date: February 10, 2022

End Date: February 16, 2022

On February 10, 2022, the Emerson port of entry (POE) was completely blocked by protest activity, disrupting cross border traffic between Canada and the US. Free movement of all livestock transport, CBSA employees, emergency services vehicles and residential traffic from the town of Emerson continued. Through ongoing consultation and negotiation, the convoy organizers agreed to a “slow roll” departure mid-day on February 16, 2022. The Emerson POE was re-opened on February 16, 2022.

Coutts, Alberta

Current Status:	Concluded
Duration:	17 days
Start Date:	January 29, 2022
End Date:	February 15, 2022

On January 30, 2022, the Coutts POE was significantly disrupted due to ongoing protest activity. This border crossing is important for ongoing trade between Canada and the US, as it is the largest POE in Alberta and the only one operating 24 hours a day.

On February 14, 2022, the RCMP arrested 11 suspects and seized firearms and ammunition. These suspects have been charged with a variety of Criminal Code offences, including mischief over \$5000 and conspiracy to commit murder. After the arrest of these key suspects, the convoy leaders reached an agreement with the RCMP recognizing that the demonstrators maintained peaceful intent and that no violence would be tolerated. As such, the border resumed operation on February 15, 2022.

Surrey, British Columbia

Current Status:	Concluded
Duration:	8 days
Start Date:	February 12, 2022
End Date:	February 19, 2022

Since February 12, 2022, the Pacific Highway border crossing has had various disruptions resulting in intermittent border closures. For instance, on February 13, 2022, the Pacific Highway redirected traffic to other POEs, while on February 15th, the border restricted access to vehicles and pedestrians. On February 19th, the border was open in the morning and closed in the afternoon due to increased protest activity. As of February 19, 2022 at 2000 hours, the border remains open as the majority of demonstrators and vehicles have departed.

Other events

Many events were planned and have taken place across the country over the last few weeks. Some were cancelled or postponed, and others materialized without violent incidents.

Annex B: Emergencies Act Litigation

Canadian Civil Liberties Association v. AGC : The applicant argues that the vast majority of protests across Canada have been handled by local authorities using existing laws, and that several provinces have stated that resorting to the Emergencies Act is unnecessary. In particular, the applicant argues that the legislative thresholds have not been met and, for that reason, the Emergency Proclamation is unreasonable and ultra vires. The applicant is seeking various orders, including orders to quash the Emergency Proclamation, the Emergency Measures Regulations, and the Emergency Economic Measures Order.

Canadian Frontline Nurses et al. v. AGC: The applicants are alleging that Canada invoked the Emergencies Act to suppress political dissent. In particular, they are arguing that the invocation of the Emergencies Act is improperly motivated by a design to target, threaten and punish individuals who have different views from that of the Prime Minister with respect to Covid-19 mandates and restrictions. The applicants are also arguing that the Public Order Emergency Proclamation is ultra vires and unreasonable and does not meet the threshold provided under the Emergencies Act.

Canadian Constitution Foundation v. AGC: The relief sought by the Applicant includes: (1) an order declaring unlawful and quashing the Public Order Emergency Proclamation; (2) an order declaring unlawful and quashing the Emergency Measures Regulations; (3) an order declaring unlawful and quashing the Emergency Economic Measures Order; for (2) and (3) the Applicant also seeks an order pursuant to s. 52(1) of the Constitution Act declaring these measures to be unconstitutional and of no force or effect; (4) an order pursuant to Rule 105 that this proceeding be joined with CCLA v. AGC, T-316-22; (5) an order directing the Respondent to deliver the Record to the Applicant on an urgent basis pursuant to Rule 317; (6) an order directing the Respondent to deliver to those portions of the Record over which it asserts any privileges under Rule 318, including any s.38 and s.39 CEA privileges, to the Applicant on an urgent, counsel-only basis pursuant to a confidentiality undertaking.

Jost et al. v. AGC et al. : The applicants are all individuals who participated in the Ottawa protests. They seek declarations that the order and regulations are invalid and ultra vires the Emergencies Act, are inconsistent with sections 91, 92, and 96 of the Constitution Act and sections 2(b), 2(c), 6, 7, 8, 9, 12, and 15 of the Charter and therefore of no force and effect. They also allege violation of the Canadian Bill of Rights and international law obligations, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Declaration of Human Rights, and the Vienna Convention on the Law of Treaties. The applicants seek an expedited hearing and an order quashing the declaration and measures issued pursuant to the Emergencies Act.

Steven Barrow v Justin Trudeau (SB): A self-represented claimant has initiated a matter in an Ontario Small Claims Court. The only remedy sought is to refer the defendants for a “private prosecution” under the Criminal Code for alleged violation of the Crimes Against Humanity and War Crimes Act against a civilian population with different views).

Emergency Measures Regulations – Law Enforcement

- **Invoking the *Emergencies Act* was a difficult, but necessary decision made in the best interest of Canada and Canadians.**
- **It reflected the severity and length of unlawful blockades – including over three weeks in Ottawa, and six days in Windsor with the blockade of the Ambassador Bridge – and reflected our collective concern about illegal occupations and non-peaceful protests across the country.**
- **I want to thank police officers from all law enforcement agencies who joined the operations and are working diligently to resolve situations across the country and keeping communities safe.**
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- **The *Emergencies Act* was only meant to be applied as long as it was needed. Once the situation on the ground changed, law enforcement was able to rely on existing tools and authorities to maintain peace and public safety, and the declaration of emergency was revoked on February 23, 2022, nine days after its proclamation on February 14th.**
- **The Emergency Measures Regulations invoked under the *Emergencies Act* were national in scope but applied specifically to addressing non-peaceful protests and illegal blockades. All law enforcement agencies, including the RCMP, were given additional tools to do their job, and address non-peaceful protests and illegal blockades that may breach the peace.**

- These measures did not remove the authorities of police of local jurisdiction.
- As we have seen, these measures allowed law enforcement to effectively address unlawful public assemblies, prevent adults from bringing children to these areas, turn away people who wished to travel to these assemblies, and stop those who would have provided support for lawful assemblies, such as diesel for illegally idling trucks that are creating a blockade.
- There were also new powers to require people to provide essential goods and/or services for the removal, towing and storage of vehicles and equipment that are part of an unlawful blockade, for which they were entitled to compensation at local market rates. I understand that these may have been helpful.
- The Commissioner of the RCMP delegated these powers to key members of her team across the country, as well to the OPP Commissioner.. These powers have been used to secure needed equipment to clear the streets in Ottawa.
- Our goal was to bring a safe end to these illegal blockades and occupations and see order restored as soon as possible to ensure the safety of Canadians and an end to the economic disruptions. I believe we have done so.

IF PRESSED ON ACTIONS TAKEN AS A RESULT OF THE ORDER:

- We all saw the vivid images of police action in Ottawa in late February. The measures provided for under the *Emergencies Act* have helped police to maintain the perimeter, restrict travel and limit access to the downtown core, and ensure that they continue to restrict financial support and other

assistance to protesters. Using all authorities available to law enforcement, as of February 21st there have been close to 200 arrests, 110 individuals charged with various offences laid and a total of 115 vehicles towed.

- We do know that the *Emergencies Act* was used to bring about the peaceful conclusion of the illegal blockades, and to deter unlawful actions and encourage peaceful protests.

IF PRESSED ON WHY OTTAWA WAS NOT DESIGNATED A SECURE ZONE:

- A designation was not required in Ottawa because the assembly was already unlawful. As a result, the police were able to establish a perimeter relying on the Emergencies Measures Regulations and other existing legal authorities to secure and maintain control of the area.

IF PRESSED ON INFRINGING ON PROVINCIAL JURISDICTION:

- While these measure applied nationally, they were not meant to infringe on provincial jurisdiction over administration of justice and policing. Police of local jurisdiction remained in command of police operations and used the measures under the *Emergencies Act* based on their operational requirements.

IF PRESSED ON WHAT ISSUES ARE BEING ADDRESSED BY THE EMERGENCY MEASURES REGULATIONS:

- The measures contained within the Emergency Measures Regulations supplemented existing authorities and provided new tools for law enforcement to address unlawful blockades.

- Police were given the ability to compel individuals and companies to provide the essential goods and services requested for the removal, towing and storage of any vehicles, equipment, structure or other object that is part of a blockade, with reasonable compensation.
- The police were also able to designate secure areas to support their operations, and refuse people travelling to illegal protest with the intention of participating.
- Bringing a minor to participate in such an assembly was a new prohibition, as was entering Canada with the intent to participate in such an assembly.
- Supporting an illegal assembly was also prohibited, and police had the authority to enforce the prohibition by, for example, turning away people who are bringing in food, blankets, shelter materials to an area of an unlawful assembly.

IF PRESSED ON COURT CHALLENGES RELATED TO THE *EMERGENCIES ACT*:

- We are aware of court challenges related to the Emergencies Act. It would be premature to speculate on the outcomes of these judicial processes at this time.
- The measures put in place as a result of the declaration of a public order emergency were temporary, targeted, and proportionate to the threat we faced. The measures were also consistent with the Canadian Charter of Rights and Freedoms, and were revoked once they were no longer necessary.

Background:

Peaceful assembly is a right under the *Canadian Charter of Rights and Freedoms*. However, the protest activities that were seen across Canada related to the Freedom Convoy 2022 exceeded the definition of peaceful assembly, resulting in illegal blockades, disruptions to people's lives and the movement of goods, and the occupation of Ottawa. This created a critical, unique, and urgent but temporary situation that was national in scope, which could not be effectively dealt with under existing laws of Canada. The length of time of these illegal blockades and disruptions – over 21 days for Ottawa, 8 days for the blockade of the Ambassador Bridge, and 17 days for the blockage of the Coutts, Alberta border crossing – created significant adverse effects on the Canadian economy and individual liberties of citizens, at a time when the country is recovering from the impact of the global pandemic. Illegal protests and blockades impacted businesses, manufactures, and critical supply chains have been disrupted, hurting many Canadians, including workers who rely on these jobs.

On February 14, 2022, the Government of Canada announced it was declaring a public order emergency under the *Emergencies Act*. With this declaration, Emergency Measures Regulations (EMRs) and Emergency Economic Measures Order were put in place. These provided law enforcement with additional tools to resolve illegal blockades and the occupation of Ottawa. On February 23, 2022, the declaration of emergency was revoked, and all measures and orders ceased to be in effect, although law enforcement may continue to lay charges for activities that violated the Act during the declaration of emergency.

Existing Tools Available to Address Blockades and Illegal Protests

Prior to invoking the Emergencies Act on February 14, 2022, law enforcement had certain tools available to them in addressing the illegal protests and blockades. These tools included recourse pursuant to the *Criminal Code* as well as provincial and municipal statutes to address the traffic and noise violations. However, despite the existing tools, the situation was rapidly evolving and escalated to the point where the Ottawa police needed the assistance of the province and Canada. The new measures that were introduced have closed the gaps that prevented law enforcement from effectively addressing this public order emergency and provided them the measures needed to resolve it. These new measures build on existing tools, including strengthening the ability to impose fines or imprisonment, and allow the government to secure and protect critical infrastructure, including border crossings and airports. The new measures also provide additional resources to local law enforcement by enabling the RCMP to enforce provincial bylaws where requested.

Despite these existing tools, the situation rapidly evolved and escalated to a point where local law enforcement agencies, including for example the Ottawa Police Service, required additional assistance to address the unique situation of the illegal blockades. The new measures that were introduced through the *Emergencies Act* have provided new tools to help law enforcement effectively address this unprecedented public order emergency. These new measures were additional to existing tools, and were aimed at prohibiting non-peaceful public assembly in order to prevent the interruption of movement of people, goods, or trade. It also aimed at preventing the interference with critical infrastructure, or promoting violence against a person or property. The measures strengthened the ability to impose fines or imprisonment, and to secure and protect critical infrastructure, including border crossings and airports. The new measures also

provided additional resources to local law enforcement by enabling the RCMP to enforce provincial and municipal bylaws where requested.

Emergency Measures Regulations (EMR)

The goal of law enforcement is always to maintain public order and keep citizens safe. The Emergency Measures Regulations, made under subsection 19(1) of the *Emergencies Act*, were in force from February 15, 2022 to February 23, 2022 and responded to the unique challenges associated with the current unlawful blockades, which were unprecedented in their scope and nature. Measures contained within the EMR were temporary and proportionate to the situation, and aimed at ensuring the safety of Canadians during this national emergency, including:

- Prohibiting public assemblies that may reasonably be expected to lead to a breach of the peace;
- Prohibiting the use of property to facilitate or participate in such assemblies;
- Designating and securing protected places;
- Directing persons to render essential goods and services to remove, tow and store vehicles and other items that are part of a blockade, with compensation;
- Prohibiting the use, collection, or provision of property in support of an unlawful assembly – e.g., diesel for illegally idling trucks creating a blockade.
- Authorizing or directing financial institutions to render essential services to relieve impact of blockades, including regulating and prohibiting the use of property to fund or support the blockades, and compelling banks to freeze bank accounts reasonably suspected to have contributed to the public order emergency;
- The imposition of fines, imprisonment, or both, for failure to comply with regulations made under section 19 of the *Emergencies Act* or a lawful order made under them (e.g. direction to provide essential goods and services).

The EMRs created five prohibitions:

- Participating in a public assembly that may reasonably be expected to lead to a breach of the peace, i.e. serious disruption of movement of persons, goods, serious interference with trade, interference with the functioning of critical infrastructure, acts or threats of serious violence against persons or property;
- Causing a minor to participate in or travel near such an assembly (in other words, preventing adults from bringing children to these areas);
- Entering Canada with the intent to participate in or facilitate such an assembly;
- Travelling to or within such an assembly; and
- Using, collecting, providing, making available, or inviting a person to make available – whether directly or indirectly - property to facilitate or participate in such an assembly.

The intent of these measures was to supplement federal, provincial and municipal authorities to address illegal blockades and to restore public order and the rule of law, and ensure that confidence in Canada's institutions continues. These time-limited measures were used only where needed by local law enforcement, and did not derogate provinces jurisdiction over the administration of justice and policing.

Ability to Render Goods or Services

Due to the challenges of law enforcement across jurisdictions to procure towing and wrecking services to remove unlawful blockages, the EMRs provided a new authority for the Commissioner of the RCMP and the Minister of Public Safety and Emergency Preparedness or any person acting on their behalf to compel the provision of goods or services needed to remove, tow, and store any vehicle, equipment, structure or other object that is part of a blockade. Those asked to provide services must do so promptly, and will be provided fair compensation.

The Commissioner of the RCMP assigned this ability to appropriate RCMP members across Canada, and had also assigned the ability to the Commissioner of the Ontario Provincial Police (OPP) at their request. This measure has been used, most notably in Ottawa to help remove illegal blockades in front of the Parliament Buildings and other locations.

Designation of a Protected Place

The EMRs identified certain locations as being "designated as protected and may be secured", including critical infrastructure, Parliament Hill and the parliamentary precinct, official residences, government and defence buildings, and monuments such as the War Memorial. Further, the Minister of Public Safety had the authority to also designate additional places if required. This allows for preventative action to secure these locations to aid in law enforcement operations to address illegal assemblies and blockades. During the period that the *Emergencies Act* was invoked, law enforcement operated with the EMR's as they were written.

Peace Officer Authorities

Peace Officer authorities in enforcing the EMRs included:

- To secure certain designated protected places (e.g., critical infrastructure such as airports, utilities, border crossings, and government buildings); and
- Take "necessary measures" to ensure compliance with the EMRs.

Penalties under the EMRs

Contravention of the EMRs or of a lawful order by a peace officer made thereunder may be prosecuted as a summary conviction or indictable offence.

- On summary conviction, a fine not exceeding \$500 or imprisonment for a term not exceeding six months, or both; or
- On indictment, a fine not exceeding \$5000, or imprisonment for a term not exceeding five years, or both.

The normal provisions of the Criminal Code regarding arrest and bringing of charges apply.

Emergencies Act-related Litigation

There are currently four applications for judicial review of the Government's decision to invoke the *Emergencies Act*. The applications have been filed by the Canadian Civil Liberties Association, Canadian Frontline Nurses, Canadian Constitution Foundation, and Jost et al (a summary of each application is provided in Annex B). On March 13, 2022, Justice Canada was provided with correspondence from the Alberta Attorney General to the Federal Court, advising that the Attorney General of Alberta intends to file motions to intervene in each of the CCLA and CCF applications on the basis that the matters raise questions of general importance. All four applications are being considered in a joint case management process.

Separately, there is one self represented claim against the Prime Minister that has been filed in Ontario Small Claims Court.

Annex A : Overview of Key Blockades and Illegal Protest Sites

Ottawa, Ontario

Current Status: Event concluded. Ongoing vigilance and monitoring.

Duration: 42 days and ongoing

Start Date: January 28, 2022

End Date: To be defined by OPS. Gradual reduction by all police forces.

On February 16, after three weeks of occupation, the Ottawa Police Service (OPS) issued a warning to protesters to either leave or be arrested. On February 17, 2022, the Integrated Command Centre (ICC) comprised of RCMP, Ontario Provincial Police, OPS, and other police services commenced enforcement activities. This led to the arrest of key convoy organizers and supporters, including Chris Barber, Tamara Lich, Pat King, Daniel Bulford and Alex Vriend. On February 20, 2022, during the afternoon, Ottawa Police delivered a Trespass Notice to individuals located at Coventry Road, a staging area with extra supplies for the downtown convoy. As of the end of the day, the staging area has been cleared.

As of February 21, 2022, the Ottawa Police Service (OPS) reported close to 200 arrests and 115 vehicles towed. Under the OPS lead, the ICC established operational control of the NCR and continue operations to return the downtown core to a state of normalcy.

The ICC has stood down, and the police of jurisdiction have returned to their regular duties, including continued vigilance around the downtown core. Some continue to protest downtown, which has not been deemed concerning from a public safety perspective. There was a gradual reduction by all police forces, and intelligence agencies and sectors continue to monitor open sources and threats.

Windsor, Ontario

Current Status: Concluded

Duration: 8 days

Start Date: February 7, 2022

End Date: February 14, 2022

On February 7, 2022, the Ambassador Bridge closed in both directions due to significant protest activity, disrupting all cross-border commercial traffic vital to the North American economy. On February 11, 2022, the Superior Court Chief Justice issued a temporary injunction prohibiting individuals from establishing a blockade or impeding access to the Ambassador Bridge. Windsor Police Service provided notices to demonstrators, confirming that anyone involved must immediately cease unlawful act or otherwise, could be facing charges. On February 12, 2022, law enforcement agencies commenced enforcing the injunction and the Bridge was completely reopened on February 14th. In total, 42 individuals were arrested and 37 vehicles were removed.

Emerson, Manitoba

Current Status: Concluded

Duration: 7 days

Start Date: February 10, 2022

End Date: February 16, 2022

On February 10, 2022, the Emerson port of entry (POE) was completely blocked by protest activity, disrupting cross border traffic between Canada and the US. Free movement of all livestock transport, CBSA employees, emergency services vehicles and residential traffic from the town of Emerson continued. Through ongoing consultation and negotiation, the convoy organizers agreed to a “slow roll” departure mid-day on February 16, 2022. The Emerson POE was re-opened on February 16, 2022.

Coutts, Alberta

Current Status:	Concluded
Duration:	17 days
Start Date:	January 29, 2022
End Date:	February 15, 2022

On January 30, 2022, the Coutts POE was significantly disrupted due to ongoing protest activity. This border crossing is important for ongoing trade between Canada and the US, as it is the largest POE in Alberta and the only one operating 24 hours a day.

On February 14, 2022, the RCMP arrested 11 suspects and seized firearms and ammunition. These suspects have been charged with a variety of Criminal Code offences, including mischief over \$5000 and conspiracy to commit murder. After the arrest of these key suspects, the convoy leaders reached an agreement with the RCMP recognizing that the demonstrators maintained peaceful intent and that no violence would be tolerated. As such, the border resumed operation on February 15, 2022.

Surrey, British Columbia

Current Status:	Concluded
Duration:	8 days
Start Date:	February 12, 2022
End Date:	February 19, 2022

Since February 12, 2022, the Pacific Highway border crossing has had various disruptions resulting in intermittent border closures. For instance, on February 13, 2022, the Pacific Highway redirected traffic to other POEs, while on February 15th, the border restricted access to vehicles and pedestrians. On February 19th, the border was open in the morning and closed in the afternoon due to increased protest activity. As of February 19, 2022 at 2000 hours, the border remains open as the majority of demonstrators and vehicles have departed.

Other events

Many events were planned and have taken place across the country over the last few weeks. Some were cancelled or postponed, and others materialized without violent incidents.

Annex B: Emergencies Act Litigation

Canadian Civil Liberties Association v. AGC : The applicant argues that the vast majority of protests across Canada have been handled by local authorities using existing laws, and that several provinces have stated that resorting to the Emergencies Act is unnecessary. In particular, the applicant argues that the legislative thresholds have not been met and, for that reason, the Emergency Proclamation is unreasonable and ultra vires. The applicant is seeking various orders, including orders to quash the Emergency Proclamation, the Emergency Measures Regulations, and the Emergency Economic Measures Order.

Canadian Frontline Nurses et al. v. AGC: The applicants are alleging that Canada invoked the Emergencies Act to suppress political dissent. In particular, they are arguing that the invocation of the Emergencies Act is improperly motivated by a design to target, threaten and punish individuals who have different views from that of the Prime Minister with respect to Covid-19 mandates and restrictions. The applicants are also arguing that the Public Order Emergency Proclamation is ultra vires and unreasonable and does not meet the threshold provided under the Emergencies Act.

Canadian Constitution Foundation v. AGC: The relief sought by the Applicant includes: (1) an order declaring unlawful and quashing the Public Order Emergency Proclamation; (2) an order declaring unlawful and quashing the Emergency Measures Regulations; (3) an order declaring unlawful and quashing the Emergency Economic Measures Order; for (2) and (3) the Applicant also seeks an order pursuant to s. 52(1) of the Constitution Act declaring these measures to be unconstitutional and of no force or effect; (4) an order pursuant to Rule 105 that this proceeding be joined with CCLA v. AGC, T-316-22; (5) an order directing the Respondent to deliver the Record to the Applicant on an urgent basis pursuant to Rule 317; (6) an order directing the Respondent to deliver to those portions of the Record over which it asserts any privileges under Rule 318, including any s.38 and s.39 CEA privileges, to the Applicant on an urgent, counsel-only basis pursuant to a confidentiality undertaking.

Jost et al. v. AGC et al. : The applicants are all individuals who participated in the Ottawa protests. They seek declarations that the order and regulations are invalid and ultra vires the Emergencies Act, are inconsistent with sections 91, 92, and 96 of the Constitution Act and sections 2(b), 2(c), 6, 7, 8, 9, 12, and 15 of the Charter and therefore of no force and effect. They also allege violation of the Canadian Bill of Rights and international law obligations, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Declaration of Human Rights, and the Vienna Convention on the Law of Treaties. The applicants seek an expedited hearing and an order quashing the declaration and measures issued pursuant to the Emergencies Act.

Steven Barrow v Justin Trudeau (SB): A self-represented claimant has initiated a matter in an Ontario Small Claims Court. The only remedy sought is to refer the defendants for a “private prosecution” under the Criminal Code for alleged violation of the Crimes Against Humanity and War Crimes Act against a civilian population with different views).

Border Management

Proposed Response:

- **The CBSA is mandated to facilitate the flow of people and goods, and also has a responsibility to protect its employees and facilities.**
- **The CBSA works with police of jurisdiction to mitigate risks and threats to buildings, offices, travellers and its employees.**
- **In the period from January 2022 to present, there were sustained disruptions and threats to commercial trade, Canadians' ability to travel and the health and safety of CBSA employees.**
- **In addition to more wide spread outages and disruptions of shorter duration, four key border crossings experienced multi-day closures: Ambassador Bridge, Coutts, Emerson and Pacific Highway. These four crossings together represent close to half of the total volume and value of Canada's commercial imports by land ports of entry.**
- **The declaration of a public order emergency under the *Emergencies Act* provided authority to CBSA officers to refuse entry to foreign nationals arriving in Canada who intended to facilitate or participate in a prohibited protest.**

- Because CBSA officers are not mandated to engage in law enforcement activities beyond the border, the *Emergency Measures Regulations* provided police of jurisdiction with tools to prevent and react to blockades of, but not at, border crossings.

If pressed on status of blockades:

- As of February 21, all blockades at the Canada-U.S. border have been cleared and normal operations have resumed.
- The CBSA continues to monitor significant threats to border crossings and to coordinate with police of jurisdiction to mitigate and react to attempted blockades.

Border Management

Background:

On February 14, 2022, the federal government declared a public order emergency. The *Emergency Measures Regulations* came into force on February 15, 2022. On February 23, 2022, the declaration of a public order emergency was revoked and all authorities granted under the *Emergency Measures Regulations* ceased to have effect. Furthermore, the Operational Bulletin to BSOs clarifying authorities under the *Emergency Measures Regulations* was rescinded on the same day.

The *Emergency Measures Regulations* gave Border Services Officers (BSOs) extra legislative authority to keep inadmissible people from entering Canada. A foreign national could not enter Canada with the intent to participate in or facilitate a prohibited assembly. Those who tried could have been denied entry at a port of entry. All temporary residents allowed entry into Canada must comply with the *Emergencies Act*. This included not travelling to, or participating in, a prohibited assembly. Failure to comply may have resulted in enforcement under the *Immigration and Refugee Protection Act*, including removal from Canada, and a temporary or permanent ban on returning to Canada.

There were some limited exemptions to prohibiting entry. These were for specific classes of foreign nationals, including people registered under the *Indian Act*, and people protected under the *Immigration and Refugee Protection Act*. Prior to the invocation of the *Emergencies Act*, BSOs already had the authority to deny entry to anyone who does not meet the requirements to enter and/or stay in Canada under the *Immigration and Refugee Protection Act*.

Ports of entry are secure, controlled areas that must not be accessed by anyone who is not in the process of crossing the border. It is an offence to hinder the ability of a BSO while they carry out their work. Anyone who creates a risk of imminent death or serious bodily harm to another person while wilfully or recklessly contravening the *Emergencies Act* or its regulations could be fined up to \$1,000,000, imprisoned up to 3 years, or both.

The Agency monitors changes in demand at identified alternate ports of entry (POEs) and allocates resources, adjusts staffing levels and hours of service when needed at these POEs to minimize processing times and potential delays. This also allows for the safety and security of the public and employees while supporting the continuous flow of legitimate goods and people.

Emergency Economic Measures Order

Proposed Response:

- On February 14, 2022, the Federal Government invoked the *Emergencies Act* as a strategic, targeted, and time sensitive response to address the current crisis.
- In relation to the *Act*, the Government issued the *Emergency Economic Measures Order*, which allowed law enforcement agencies to work more closely with Canadian financial service providers, and provided additional measures to monitor and disrupt financial activity associated with the illegal blockades.
- These measures included a requirement for financial service providers to determine whether they have in their possession or control property that belongs to a designated person participating in the blockade, and to disclose this information to the RCMP or CSIS.
- It authorized federal, provincial, and territorial government institutions to disclose information to any Canadian financial service provider when it was satisfied that the disclosure will contribute to the application of the Order.
- This allowed law enforcement agencies to share the identity of designated persons with financial service providers, enabling them to cease their dealings with those designated persons at their discretion.
- The RCMP has provided financial institutions with the identities of individuals involved in the Ottawa protest, and of owners and/or drivers of vehicles who did not want to leave the area impacted by the protest. At no time did the RCMP disclose information on donors or on those who purchased merchandise linked to the illegal protests.

- The Order also required insurance companies to cancel or suspend the insurance policy for any vehicle taking part in a prohibited assembly. This sent a strong message to the owners and operators of the vehicles implicated that their vehicle should go home.
- The measures contained in the Order assisted law enforcement by disrupting the funding behind the illegal blockades and weakening the ability to re-form them, increasing the scope of financial transaction information that may be received by FINTRAC, and making more information available to support investigations by law enforcement.

IF PRESSED ON ACTIONS TAKEN AS A RESULT OF THE ORDER:

- As of February 23, 2022, enforcement action under the *Emergency Economic Measures Order* has culminated in the freezing of 246 financial products; the disclosure of 57 entities, which includes individuals and owners or drivers of vehicles involved in the blockades; 253 Bitcoin wallet addresses shared with virtual currency exchangers; and, the proactive freezing of the account of a payment processor by a financial institution.
- Only financial institutions have discretionary authority to freeze and subsequently unfreeze financial accounts. To assist financial institutions with their obligations under the Order, the RCMP remained in communication with the financial institutions on persons, vehicles and companies suspected of involvement in the illegal protest.
- While the Order was still in place, the RCMP went back to financial institutions with some updated information about certain entities whose status may have changed pertaining to the illegal protest activity. This new information could then be assessed alongside all other information to help inform decisions to unfreeze certain accounts.

- Financial service providers began unfreezing accounts and credit cards/lines of credit on February 21 due to updated information provided by the RCMP. The vast majority of these have either been unfrozen or have been approved to be.
- On February 23, 2022, the Federal Government announced that it would be revoking the *Emergencies Act* since the situation is no longer an emergency and existing laws and bylaws are now sufficient to keep people safe.
- The economic measures under the Order were important in disrupting the funding of the groups behind these illegal blockades, and in weakening their ability to re-form them.
- Now that the *Emergency Act* has been revoked, the Emergency Measures Regulations and *Emergency Economic Measures Order*, and their measures are also automatically revoked.

IF PRESSED ON CHARTER CONCERNS OF THE ORDER:

- As we have stated previously, any steps taken by the Government under the *Emergencies Act* must be consistent with the *Canadian Charter of Rights and Freedoms*, and must be reasonable and proportional to the risks to the public health and safety of Canadians.
- The illegal blockades we witnessed were well-funded and constituted a serious threat to national security. As such, the measures contained in the *Emergency Economic Measures Order* were reasonable and proportional to the threat posed.
- Importantly, they applied to persons engaging in prohibited activity as outlined in the *Emergency Measures Regulations*. As such, the Order

ceased to apply in respect of a person's property, transactions and account when such persons stop participating in those activities.

- **Financial service providers also had an obligation to determine on a continuing basis whether they are in possession or control of property that is owned by a designated person, which ensured information was up to date.**

IF PRESSED ON WHAT ISSUES ARE BEING ADDRESSED BY THE ECONOMIC MEASURES IN THE ORDER:

- **Prior to the Order, crowdfunding platforms and some payment service providers were not subject to registration and reporting requirements to FINTRAC under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)*.**
- **By including crowdfunding platforms and payment service providers, the Government was able to mitigate the risks that these platforms received funds for illicit purposes.**
- **In addition, existing federal financial institutions statutes do not require financial service providers to review their business relationships and cease dealing with persons conducting illegal activities, such as the illegal blockades.**
- **As such, the economic measures in the Order provided crucial authorities to further bolster the Government's ability to disrupt the financing of these illegal actions.**

IF PRESSED FOR MORE DETAILS ON THE FROZEN PAYMENT PROCESSOR ACCOUNT:

- **It was reported to the RCMP that the value of the payment processor account was \$3.8M.**

- We are unable to disclose any additional information at this time about this account, to avoid any unnecessary reputational damage to the payment processor involved.

IF PRESSED ON IMPLICATIONS OF REVOKING EMERGENCIES ACT AND
ECONOMIC MEASURES IN THE ORDER

- All powers granted by the *Emergency Regulations* and *Emergency Economic Measures Order* disappear once the declaration and regulations are revoked.
- However, investigations into offences that took place while the measures were in force can continue. Charges may be laid and investigations and prosecutions can continue, subject to police discretion and to prosecution decisions as to whether there is a reasonable prospect of conviction and whether it is in the public interest to proceed.
- If property seized under the *Emergency Regulations* is required as evidence in an investigation or for a prosecution, it may be retained by police in accordance with the usual *Criminal Code* provisions. Property seized but not required as evidence may be returned. The normal provisions of the *Criminal Code* regarding the return of such property apply.

Emergency Economic Measures Order

Background:

On February 14, 2022, the Government of Canada declared a public emergency, invoking the *Emergencies Act*, along with the *Emergency Economic Measures Order* (the Order) and the *Emergency Measures Regulations* (the Regulations). The provisions of the Order, as outlined above, came into force immediately on Tuesday, February 15, 2022.

MPs in the House of Commons voted to affirm use of the *Emergencies Act* on Monday February 21, 2022. The *Emergencies Act* was revoked by the Government of Canada the afternoon of February 23, 2022, formally ending the state of emergency.

Collectively, the Order and the Regulations were intended to limit funding of illegal blockades and restore public order. This order contained the following key authorities:

Reporting Requirements for Crowdfunding Platforms

- The Order extended the scope of the reporting requirements under the *Proceeds of Crime (Money Laundering and Terrorist Financing Act)* (PCMLTFA) to cover crowdfunding platforms and payment providers, inclusive of all forms of transactions, including digital assets such as cryptocurrencies.
- The Order required crowdfunding platforms and payment service providers that are in possession or control of any funds that are owned, held or controlled by or on behalf of a designated person¹ to register with and report suspicious and large value transactions to the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC).
- Prior to the Order, crowdfunding platforms and some payment service providers were not subject to obligations under the PCMLTFA.

Temporary Cessation of Financial Services

- Canadian financial service providers were required to temporarily cease providing financial services if the institution suspects that a personal or

¹ A **Designated Person** means any individual or entity that is engaged, directly or indirectly, in an activity prohibited by sections 2 to 5 of the *Emergency Measures Regulations*.

corporate account is being used to further the illegal blockades, the could immediately freeze or suspend an account without a court order. Specifically, they were required to cease:

- a) dealing in any property owned, held or controlled, directly or indirectly, by a designated person or by a person acting for that designated person, or facilitating any transaction related to such a dealing;
 - b) making available any property or financial support (including virtual currency) to or for the benefit of a designated person or to a person acting for a designated person;
 - c) providing any financial or related services to or for the benefit of any designated person; and
 - d) acquiring any financial or related such services from or for the benefit of any such person or entity.
- This applies to all funds, including those held in a deposit, chequing, savings, or trading account, and to cryptocurrency wallets, lending products, investment assets, and insurance policies for vehicles used in the illegal blockades.

Reporting certain property and assets to RCMP and CSIS

- Financial institutions and other reporting entities under the PCMLTFA (including crowdfunding platforms and payment service providers) must determine, on a continuing basis, whether they are in possession or control of property that is owned, held or controlled by or on behalf of an individual or entity that is engaged, directly or indirectly, in an activity which is prohibited in sections 2 to 5 of the *Regulations* (i.e. designated person).

Disclosure of Information:

- The order provides federal, provincial, and territorial government institutions with new authority to share relevant information with banks and other financial services providers named in the Order, if the disclosing institution is satisfied that the disclosure will contribute to the application of the Order.

Some of the new temporary measures in the Order built on Canada's AML/ATF framework. Prior to the order, crowdfunding platforms and some payment service providers were not subject to obligations under the PCMLTFA. By extending certain PCMLTFA requirements to include crowdfunding platforms and the payment service providers, the Government was able to mitigate the risks that these platforms could be used for illicit purposes. It also allowed for

FINTRAC to receive increased financial transaction information, and makes more information available to support investigations by law enforcement.

Other authorities were intended to address gaps highlighted by the illegal blockade actions. In particular, existing federal financial institutions statutes do not include an authority to require financial service providers to review their business relationships and cease dealing with persons conducting illegal activities. The laws and regulations covering other financial services providers, such as securities dealers or funding platforms, vary by province. There is no overall authority to restrict the funds that go to support illegal assemblies. As such, the Order provided crucial authorities in these areas to further bolster the Government's ability to disrupt the financing of these illegal actions.

Any steps taken by the Government under the *Emergencies Act*, including the Order, must be consistent with the *Canadian Charter of Rights and Freedoms*, and must be reasonable and proportional to the risks to the public health and safety of Canadians. For instance, the measures cease to apply in respect of a person's property, transactions and account when they stop participating in an illegal assembly. In other words, financial entities will be able to resume their dealings with persons that have stopped participating in the unlawful activities. RCMP's federal Financial Crime units are also working with financial institutions, to assist them, when possible, to determine when assets can be unfrozen.

Enforcement of the Order:

As key partners in Canada's Anti-Money Laundering and Anti-Terrorist Financing (AML/ATF) Regime, FINTRAC, CSIS and the RCMP operate within well-defined mandates that give them legislative authorities to counter illicit financial activity. The authorities in the Order were intended to enhance law enforcement investigations and disruption of blockades, and make it more challenging to use crowdfund platforms to fund illegal activities.

The groups behind the blockades were well-funded, with financial support being provided through a variety of means, including through crowdfunding platforms and cryptocurrency-based platforms. The Order allowed law enforcement to work more closely with Canadian financial institutions and has enhanced the effectiveness of law enforcement investigations into the blockades.

- There have been multiple disclosures from the RCMP to various financial institutions, including banks and credit unions, the Canadian Bankers Association, the Investment Industry Regulatory Organization of Canada, the Canadian Securities Administrators, and the Mutual Fund Dealers Association of Canada.

- Through social media sources and open source analysis, the RCMP identified information on how the crowdfunding campaign organizers are planning the dissemination and management of Bitcoin funds raised.
- The RCMP shared information with currency exchangers about bitcoin addresses linked to the funding of blockades, and also reached out to non-traditional financial institutions, including different cryptocurrency ATM operators.
- As of February 23, 2022, enforcement action under the Emergency Economic Measures Order has culminated in the freezing of 246 financial products; the disclosure of 57 entities, which includes individuals and owners or drivers of vehicles involved in the blockades; 253 Bitcoin wallet addresses shared with virtual currency exchangers; and, the proactive freezing of the account of a payment processor by a financial institution.
- Financial service providers began unfreezing accounts and credit cards/lines of credit on February 21 due to updated information provided by the RCMP. The vast majority of these have either been unfrozen or have been approved to be.

Under the Order, designated entities have expanded requirements to report to CSIS certain activities linked to designated persons. CSIS is engaging with its financial partners to ensure that disclosures relate to its national security mandate. Under the PCMLTFA, FINTRAC makes intelligence disclosures to CSIS when legislated thresholds are met. If a reasonable nexus to national security is determined, CSIS may use the information as part of any investigation into threats as defined under section 2 of the *Canadian Security Intelligence Service Act*.

Revocation of the Emergencies Act

Since the declaration of a public order emergency was revoked, the *Emergency Measures Regulations* and the *Emergency Economic Measures Order* are also revoked. Investigations into offences which occurred while the measures were in force can continue after the Regulations were revoked, subject to police discretion and to prosecution decisions as to whether there is a reasonable prospect of conviction and whether it is in the public interest to proceed.

Property seized under the Regulations may be retained by police in accordance with the usual *Criminal Code* provisions if it is required as evidence in an investigation or for a prosecution. Property seized but not required as evidence may be returned. The normal provisions of the *Criminal Code* regarding the return of such property apply.

The Emergencies Act – Background

Illegal Protests 2022

The *Emergencies Act* (the “Act”) was enacted by the federal government in 1988 as a replacement for the *War Measures Act*. Its purpose is to authorize the federal government to take special temporary measures to protect the safety of Canadians during a national emergency. It is to be used to fill any gaps in existing federal and provincial/territorial legal authorities that are needed to respond to the emergency.

Requirements for Invoking the Act

Before measures can be taken under the Act, it must be determined that the unlawful protests constitute a national emergency. The Act defines a national emergency as an urgent, temporary and critical situation that seriously endangers the lives, health or safety of Canadians and exceeds the capacity of a province or territory to deal with it, or that seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada. The situation must also not be capable of being adequately addressed under any other law of Canada. Once an emergency has been declared, the Act (s.19(1)) allows the federal Cabinet to make orders or regulations in a range of listed areas, as necessary for dealing with the emergency.

Timelines and Process

Consultations with all the provinces and territories were conducted prior to the declaration being made on Monday, February 14, 2022, and remain ongoing.

The declaration came into effect on the day it was made. However, a motion for confirmation of the declaration must be made before both houses of Parliament within seven days of its making. This motion was tabled on February 16 and its debate is taking place beginning on February 17.

In addition, following a declaration, the Governor in Council may, if deemed necessary, make specific orders and regulations to deal with the emergency, which must be tabled in both houses of Parliament within two days. Regulations were made on February 15 and tabled on February 16.

The *Act* also requires that a Parliamentary review committee, consisting of a special joint committee of both the House of Commons and the Senate, be established to review the government’s measures under the *Act* and report back to both Houses. Also, the *Act* requires the government to hold an inquiry within sixty days after the declaration of emergency expired or was revoked, and to table a report to each House of Parliament within three hundred and sixty days.

Canada Gazette

Part II



Gazette du Canada

Partie II

OTTAWA, Tuesday, February 15, 2022

OTTAWA, Le mardi 15 février 2022

Registration
SOR/2022-20 February 15, 2022

EMERGENCIES ACT

Proclamation declaring a Public Order emergency

Mary May Simon

[L.S.]

Canada

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

François Daigle
Deputy Attorney General of Canada

Great Seal of Canada

TO ALL WHOM these presents shall come or whom the same may in any way concern,

GREETING:

A Proclamation

Whereas the Governor in Council believes, on reasonable grounds, that a public order emergency exists and necessitates the taking of special temporary measures for dealing with the emergency;

Whereas the Governor in Council has, before declaring a public order emergency and in accordance with subsection 25(1) of the *Emergencies Act*, consulted the Lieutenant Governor in Council of each province, the

Enregistrement
DORS/2022-20 Le 15 février 2022

LOI SUR LES MESURES D'URGENCE

Proclamation déclarant une urgence d'ordre public

Mary May Simon

[S.L.]

Canada

ELIZABETH DEUX, par la Grâce de Dieu, REINE du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

Le sous-procureur général du Canada,
François Daigle

Grand sceau du Canada

À TOUS CEUX à qui les présentes parviennent ou qu'elles peuvent de quelque manière concerner,

SALUT:

Proclamation

Attendu que la gouverneure en conseil croit, pour des motifs raisonnables, qu'il se produit un état d'urgence justifiant en l'occurrence des mesures extraordinaires à titre temporaire;

Attendu que la gouverneure en conseil a, conformément au paragraphe 25(1) de la *Loi sur les mesures d'urgence*, consulté le lieutenant-gouverneur en conseil de chaque province, les commissaires du Yukon et des Territoires du

Commissioners of Yukon and the Northwest Territories, acting with consent of their respective Executive Councils, and the Commissioner of Nunavut;

Now Know You that We, by and with the advice of Our Privy Council for Canada, pursuant to subsection 17(1) of the *Emergencies Act*, do by this Our Proclamation declare that a public order emergency exists throughout Canada and necessitates the taking of special temporary measures for dealing with the emergency;

And We do specify the emergency as constituted of

- (a) the continuing blockades by both persons and motor vehicles that is occurring at various locations throughout Canada and the continuing threats to oppose measures to remove the blockades, including by force, which blockades are being carried on in conjunction with activities that are directed toward or in support of the threat or use of acts of serious violence against persons or property, including critical infrastructure, for the purpose of achieving a political or ideological objective within Canada,
- (b) the adverse effects on the Canadian economy — recovering from the impact of the pandemic known as the coronavirus disease 2019 (COVID-19) — and threats to its economic security resulting from the impacts of blockades of critical infrastructure, including trade corridors and international border crossings,
- (c) the adverse effects resulting from the impacts of the blockades on Canada's relationship with its trading partners, including the United States, that are detrimental to the interests of Canada,
- (d) the breakdown in the distribution chain and availability of essential goods, services and resources caused by the existing blockades and the risk that this breakdown will continue as blockades continue and increase in number, and
- (e) the potential for an increase in the level of unrest and violence that would further threaten the safety and security of Canadians;

And We do further specify that the special temporary measures that may be necessary for dealing with the emergency, as anticipated by the Governor in Council, are

- (a) measures to regulate or prohibit any public assembly — other than lawful advocacy, protest or dissent — that may reasonably be expected to lead to a breach of the peace, or the travel to, from or within any specified area, to regulate or prohibit the use of specified property, including goods to be used with respect to a

Nord-Ouest agissant avec l'agrément de leur conseil exécutif respectif et le commissaire du Nunavut avant de faire la déclaration de l'état d'urgence,

Sachez que, sur et avec l'avis de Notre Conseil privé pour le Canada, Nous, en vertu du paragraphe 17(1) de la *Loi sur les mesures d'urgence*, par Notre présente proclamation, déclarons qu'il se produit dans tout le pays un état d'urgence justifiant en l'occurrence des mesures extraordinaires à titre temporaire;

Sachez que Nous décrivons l'état d'urgence comme prenant la forme suivante :

- a) les blocages continus mis en place par des personnes et véhicules à différents endroits au Canada et les menaces continues proférées en opposition aux mesures visant à mettre fin aux blocages, notamment par l'utilisation de la force, lesquels blocages ont un lien avec des activités qui visent à favoriser l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens, notamment les infrastructures essentielles, dans le but d'atteindre un objectif politique ou idéologique au Canada,
- b) les effets néfastes sur l'économie canadienne — qui se relève des effets de la pandémie de la maladie à coronavirus 2019 (COVID-19) — et les menaces envers la sécurité économique du Canada découlant des blocages d'infrastructures essentielles, notamment les axes commerciaux et les postes frontaliers internationaux,
- c) les effets néfastes découlant des blocages sur les relations qu'entretient le Canada avec ses partenaires commerciaux, notamment les États-Unis, lesquels effets sont préjudiciables aux intérêts du Canada,
- d) la rupture des chaînes de distribution et de la mise à disposition de ressources, de services et de denrées essentiels causée par les blocages existants et le risque que cette rupture se perpétue si les blocages continuent et augmentent en nombre,
- e) le potentiel d'augmentation du niveau d'agitation et de violence qui menaceraient davantage la sécurité des Canadiens;

Sachez que Nous jugeons les mesures d'intervention ci-après nécessaires pour faire face à l'état d'urgence :

- a) des mesures pour réglementer ou interdire les assemblées publiques — autre que les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord — dont il est raisonnable de penser qu'elles auraient pour effet de troubler la paix, ou les déplacements à destination, en provenance ou à l'intérieur d'une zone désignée, pour réglementer ou

blockade, and to designate and secure protected places, including critical infrastructure,

(b) measures to authorize or direct any person to render essential services of a type that the person is competent to provide, including services related to removal, towing and storage of any vehicle, equipment, structure or other object that is part of a blockade anywhere in Canada, to relieve the impacts of the blockades on Canada's public and economic safety, including measures to identify those essential services and the persons competent to render them and the provision of reasonable compensation in respect of services so rendered,

(c) measures to authorize or direct any person to render essential services to relieve the impacts of the blockade, including to regulate or prohibit the use of property to fund or support the blockade, to require any crowdfunding platform and payment processor to report certain transactions to the Financial Transactions and Reports Analysis Centre of Canada and to require any financial service provider to determine whether they have in their possession or control property that belongs to a person who participates in the blockade,

(d) measures to authorize the Royal Canadian Mounted Police to enforce municipal and provincial laws by means of incorporation by reference,

(e) the imposition of fines or imprisonment for contravention of any order or regulation made under section 19 of the *Emergencies Act*; and

(f) other temporary measures authorized under section 19 of the *Emergencies Act* that are not yet known.

In testimony whereof, We have caused this Our Proclamation to be published and the Great Seal of Canada to be affixed to it.

WITNESS:

Our Right Trusty and Well-beloved Mary May Simon, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, Chancellor and Commander of Our Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

interdire l'utilisation de biens désignés, notamment les biens utilisés dans le cadre d'un blocage, et pour désigner et aménager des lieux protégés, notamment les infrastructures essentielles,

b) des mesures pour habilitier toute personne compétente à fournir des services essentiels ou lui ordonner de fournir de tels services, notamment l'enlèvement, le remorquage et l'entreposage de véhicules, d'équipement, de structures ou de tout autre objet qui font partie d'un blocage n'importe où au Canada, afin de pallier les effets des blocages sur la sécurité publique et économique du Canada, notamment des mesures pour cerner ces services essentiels et les personnes compétentes à les fournir, ainsi que le versement d'une indemnité raisonnable pour ces services,

c) des mesures pour habilitier toute personne à fournir des services essentiels ou lui ordonner de fournir de tels services afin de pallier les effets des blocages, notamment des mesures pour réglementer ou interdire l'usage de biens en vue de financer ou d'appuyer les blocages, pour exiger de toute plateforme de sociofinancement et de tout fournisseur de traitement de paiement qu'il déclare certaines opérations au Centre d'analyse des opérations et déclarations financières du Canada et pour exiger de tout fournisseur de services financiers qu'il vérifie si des biens qui sont en sa possession ou sous son contrôle appartiennent à une personne qui participe à un blocage,

d) des mesures pour habilitier la Gendarmerie royale du Canada à appliquer les lois municipales et provinciales au moyen de l'incorporation par renvoi,

e) en cas de contravention aux décrets ou règlements pris au titre de l'article 19 de la *Loi sur les mesures d'urgence*, l'imposition d'amendes ou de peines d'emprisonnement,

f) toute autre mesure d'intervention autorisée par l'article 19 de la *Loi sur les mesures d'urgence* qui est encore inconnue.

En foi de quoi, Nous avons pris et fait publier Notre présente Proclamation et y avons fait apposer le grand sceau du Canada.

TÉMOIN :

Notre très fidèle et bien-aimée Mary May Simon, chancelière et compagnon principal de Notre Ordre du Canada, chancelière et commandeur de Notre Ordre du mérite militaire, chancelière et commandeur de Notre Ordre du mérite des corps policiers, gouverneure générale et commandante en chef du Canada.

At Our Government House, in Our City of Ottawa, this
fourteenth day of February in the year of Our Lord two
thousand and twenty-two and in the seventy-first year of
Our Reign.

BY COMMAND,

Simon Kennedy
Deputy Registrar General of Canada

À Notre hôtel du gouvernement, en Notre ville d'Ottawa,
ce quatorzième jour de février de l'an de grâce deux mille
vingt-deux, soixante et onzième de Notre règne.

PAR ORDRE,

Le sous-registraire général du Canada,
Simon Kennedy

Registration
SOR/2022-21 February 15, 2022

EMERGENCIES ACT

P.C. 2022-107 February 15, 2022

Whereas the Governor in Council has, by a proclamation made pursuant to subsection 17(1) of the *Emergencies Act*^a, declared that a public order emergency exists;

And whereas the Governor in Council believes on reasonable grounds, that the regulation or prohibition of public assemblies in the areas referred to in these Regulations are necessary;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to subsection 19(1) of the *Emergencies Act*^a, makes the annexed *Emergency Measures Regulations*.

emergency measures regulations

interpretation

1 The following definitions apply to these Regulations

Act means the *Emergencies Act* (Loi)

critical infrastructure means the following places, including any land on which they are located:

- (a) airports, aerodromes, heliports, harbours, ports, piers, lighthouses, canals, railway stations, railways, tramway lines, bus stations, bus depots and truck depots;
- (b) infrastructure for the supply of utilities such as water, gas, sanitation and telecommunications;
- (c) international and interprovincial bridges and crossings;
- (d) power generation and transmission facilities;
- (e) hospitals and locations where COVID-19 vaccines are administered;
- (f) trade corridors and international border crossings, including ports of entry, ferry terminals, customs offices, bonded warehouses, and sufferance warehouses. (*infrastructures essentielles*)

^a R.S., c. 22 (4th Supp.)

Enregistrement
DORS/2022-21 Le 15 février 2022

LOI SUR LES MESURES D'URGENCE

C.P. 2022-107 Le 15 février 2022

Attendu que la gouverneure en conseil a, par proclamation prise en vertu du paragraphe 17(1) de la *Loi sur les mesures d'urgence*^a, déclaré qu'il se produit un état d'urgence;

Attendu que la gouverneure en conseil croit, pour des motifs raisonnables, qu'il est fondé de réglementer ou d'interdire des assemblées publiques dans les endroits visés,

À ces causes, sur recommandation du ministre de la Sécurité publique et de la Protection civile et en vertu du paragraphe 19(1) de la *Loi sur les mesures d'urgence*^a, Son Excellence la Gouverneure générale en conseil prend le *Règlement sur les mesures d'urgences*, ci-après.

règlement sur les mesures d'urgences

définitions

1 Les définitions qui suivent s'appliquent au présent règlement.

agent de la paix Tout officier de police ou agent de police employé à la préservation et au maintien de la paix publique. (*peace officer*)

étranger S'entend au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*. (*foreign national*)

infrastructures essentielles Les lieux ci-après, y compris le terrain sur lequel ils sont situés :

- a) les aéroports, aérodromes, héliports, havres, ports, gares maritimes, jetées, phares, canaux, gares ferroviaires et chemins de fer, terminus d'autobus et garages d'autobus ou de camions;
- b) les infrastructures servant à la fourniture de services publics tels que l'eau, le gaz, l'assainissement et les télécommunications;
- c) les ponts et les ouvrages de franchissement internationaux et interprovinciaux;
- d) les installations de production et de transmission d'énergie;

^a L.R., ch. 22 (4e suppl.)

foreign national has the same meaning as in subsection 2(1) of the *Immigration and Refugee Protection Act* (*étranger*)

peace officer means a police officer, police constable, constable, or other person employed for the preservation and maintenance of the public peace (*agent de la paix*)

protected person has the same meaning as in subsection 95(2) of the *Immigration and Refugee Protection Act* (*personne protégée*)

Prohibition — public assembly

2 (1) A person must not participate in a public assembly that may reasonably be expected to lead to a breach of the peace by:

- (a) the serious disruption of the movement of persons or goods or the serious interference with trade;
- (b) the interference with the functioning of critical infrastructure; or
- (c) the support of the threat or use of acts of serious violence against persons or property.

minor

(2) A person must not cause a person under the age of eighteen years to participate in an assembly referred to in subsection (1).

Prohibition — entry to Canada — foreign national

3 (1) A foreign national must not enter Canada with the intent to participate in or facilitate an assembly referred to in subsection 2(1).

exemption

(2) Subsection (1) does not apply to

- (a) a person registered as an Indian under the *Indian Act*;
- (b) a person who has been recognized as a Convention refugee or a person in similar circumstances to those of a Convention refugee within the meaning of subsection 146(1) of the *Immigration and Refugee Protection Regulations* who is issued a permanent resident visa under subsection 139(1) of those regulations;
- (c) a person who has been issued a temporary resident permit within the meaning of subsection 24(1) of the *Immigration and Refugee Protection Act* and who seeks to enter Canada as a protected temporary resident under subsection 151.1(2) of the *Immigration and Refugee Protection Regulations*;

e) les hôpitaux et les endroits où sont administrés les vaccins contre la COVID-19;

f) les axes commerciaux et les postes frontaliers internationaux, y compris les points d'entrée, les bureaux de douanes, les entrepôts de stockage et les entrepôts d'attente. (*critical infrastructure*)

Loi La Loi sur les mesures d'urgence. (Act)

personne protégée S'entend au sens du paragraphe 95(2) de la *Loi sur l'immigration et la protection des réfugiés*. (*protected person*)

interdiction - assemblée publique

2 (1) Il est interdit de participer à une assemblée publique dont il est raisonnable de penser qu'elle aurait pour effet de troubler la paix par l'un des moyens suivants :

- a) en entravant gravement le commerce ou la circulation des personnes et des biens;
- b) en entravant le fonctionnement d'infrastructures essentielles;
- c) en favorisant l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens.

mineur

(2) Il est interdit de faire participer une personne âgée de moins de dix-huit ans à une assemblée visée au paragraphe (1).

interdiction - entrée au Canada - étranger

3 (1) Il est interdit à l'étranger d'entrer au Canada avec l'intention de participer à une assemblée visée au paragraphe 2(1) ou de faciliter une telle assemblée.

exemption

(2) Le paragraphe (1) ne s'applique pas aux personnes suivantes :

- a) une personne inscrite à titre d'Indien sous le régime de la *Loi sur les Indiens*;
- b) la personne reconnue comme réfugié au sens de la Convention, ou la personne dans une situation semblable à celui-ci au sens du paragraphe 146(1) du *Règlement sur l'immigration et la protection des réfugiés*, qui est titulaire d'un visa de résident permanent délivré aux termes du paragraphe 139(1) de ce règlement;
- c) la personne qui est titulaire d'un permis de séjour temporaire au sens du paragraphe 24(1) de la *Loi sur l'immigration et la protection des réfugiés* et qui cherche à entrer au Canada à titre de résident temporaire protégé aux termes du paragraphe 151.1(2) du *Règlement sur l'immigration et la protection des réfugiés*;

(d) a person who seeks to enter Canada for the purpose of making a claim for refugee protection;

(e) a protected person;

(f) a person or any person in a class of persons whose presence in Canada, as determined by the Minister of Citizenship and Immigration or the Minister of Public Safety and Emergency Preparedness, is in the national interest.

Travel

4 (1) A person must not travel to or within an area where an assembly referred to in subsection 2(1) is taking place.

minor — travel near public assembly

(2) A person must not cause a person under the age of eighteen years to travel to or within 500 metres of an area where an assembly referred to in subsection 2(1) is taking place.

exemptions

(3) A person is not in contravention of subsections (1) and (2) if they are

(a) a person who, within of the assembly area, resides, works or is moving through that area for reasons other than to participate in or facilitate the assembly;

(b) a person who, within the assembly area, is acting with the permission of a peace officer or the Minister of Public Safety and Emergency Preparedness;

(c) a peace officer; or

(d) an employee or agent of the government of Canada or a province who is acting in the execution of their duties.

use of property — prohibited assembly

5 A person must not, directly or indirectly, use, collect, provide make available or invite a person to provide property to facilitate or participate in any assembly referred to in subsection 2(1) or for the purpose of benefiting any person who is facilitating or participating in such an activity.

designation of protected places

6 The following places are designated as protected and may be secured:

(a) critical infrastructures;

(b) *Parliament Hill* and the *parliamentary precinct* as they are defined in section 79.51 of the *Parliament of Canada Act*;

(d) la personne qui cherche à entrer au Canada afin de faire une demande d'asile;

(e) la personne protégée;

(f) sa présence au Canada est, individuellement ou au titre de son appartenance à une catégorie de personnes, selon ce que conclut le ministre de la Citoyenneté et de l'Immigration ou le ministre de la Sécurité publique et de la Protection civile, dans l'intérêt national.

déplacements

4 (1) Il est interdit de se déplacer à destination ou à l'intérieur d'une zone où se tient une assemblée visée au paragraphe 2(1).

déplacements à proximité d'une assemblée publique - mineur

(2) Il est interdit de faire déplacer une personne âgée de moins de dix-huit ans, à destination ou à moins de 500 mètres de la zone où se tient une assemblée visée au paragraphe 2(1).

exemptions

(3) Ne contrevient pas aux paragraphes (1) et (2) :

(a) la personne qui réside, travaille ou circule dans la zone de l'assemblée, pour des motifs autres que de prendre part à l'assemblée ou la faciliter;

(b) la personne qui, relativement à la zone d'assemblée, agit avec la permission d'un agent de la paix ou du ministre de la Sécurité publique et de la Protection civile;

(c) l'agent de la paix;

(d) l'employé ou le mandataire du gouvernement du Canada ou d'une province qui agit dans l'exercice de ses fonctions.

utilisation de biens - assemblée interdite

5 Il est interdit, directement ou non, d'utiliser, de réunir, de rendre disponibles ou de fournir des biens — ou d'inviter une autre personne à le faire — pour participer à toute assemblée visée au paragraphe 2(1) ou faciliter une telle assemblée ou pour en faire bénéficier une personne qui participe à une telle assemblée ou la facilite.

désignation de lieux protégés

6 Les lieux suivants sont protégés et peuvent être aménagés :

(a) les infrastructures essentielles;

(b) la *cit  parlementaire* et la *Colline parlementaire* au sens de l'article 79.51 de la *Loi sur le Parlement du Canada*;

(c) official residences;

(d) government buildings and defence buildings

(e) any property that is a building, structure or part thereof that primarily serves as a monument to honour persons who were killed or died as a consequence of a war, including a war memorial or cenotaph, or an object associated with honouring or remembering those persons that is located in or on the grounds of such a building or structure, or a cemetery;

(f) any other place as designated by the Minister of Public Safety and Emergency Preparedness.

direction to render essential goods and services

7 (1) Any person must make available and render the essential goods and services requested by the Minister of Public Safety and Emergency Preparedness, the Commissioner of the Royal Canadian Mounted Police or a person acting on their behalf for the removal, towing and storage of any vehicle, equipment, structure or other object that is part of a blockade.

method of request

(2) Any request made under subsection (1) may be made in writing or given verbally by a person acting on their behalf.

verbal request

(3) Any verbal request must be confirmed in writing as soon as possible.

Period of request

8 A person who, in accordance with these Regulations, is subject to a request under section 7 to render essential goods and services must comply immediately with that request until the earlier of any of the following:

(a) the day referred to in the request;

(b) the day on which the declaration of the public order emergency expires or is revoked; or

(c) the day on which these Regulations are repealed.

Compensation for essential goods and services

9 (1) Her Majesty in right of Canada is to provide reasonable compensation to a person for any goods or services that they have rendered at their request under section 7, which amount must be equal to the current market price for those goods or services of that same type, in the area in which the goods or services are rendered.

(c) les résidences officielles;

(d) les immeubles gouvernementaux et les immeubles de la défense;

(e) tout ou partie d'un bâtiment ou d'une structure servant principalement de monument érigé en l'honneur des personnes tuées ou décédées en raison d'une guerre — notamment un monument commémoratif de guerre ou un cénotaphe —, d'un objet servant à honorer ces personnes ou à en rappeler le souvenir et se trouvant dans un tel bâtiment ou une telle structure ou sur le terrain où ceux-ci sont situés, ou d'un cimetière;

(f) tout autre lieu désigné par le ministre de la Sécurité publique et de la Protection civile.

Ordre de fournir des biens et services essentiels

7 (1) Toute personne doit rendre disponibles et fournir les biens et services essentiels demandés par le ministre de la Sécurité publique et de la Protection civile, du commissaire de la Gendarmerie royale du Canada, ou la personne agissant en leur nom pour l'enlèvement, le remorquage et l'entreposage de véhicules, d'équipement, des structures ou de tout autre objet qui composent un blocage.

modalités

(2) La demande faite au titre du paragraphe (1) peut être faite par écrit ou communiquée verbalement ou la personne agissant en son nom.

demande verbale

(3) La demande verbale est confirmée par écrit dès que possible.

Période de validité

8 Quiconque fait l'objet d'une demande au titre de l'article 7 pour la fourniture de biens et de services essentiels est tenu de s'y conformer dans les plus brefs délais jusqu'à la première des dates suivantes :

a) la date indiqué à la demande;

b) la date de l'abrogation ou la cessation d'effet de la déclaration d'état d'urgence;

c) la date de l'abrogation du présent règlement.

indemnisation pour les biens et services essentiels

9 (1) Sa Majesté du chef du Canada accorde une indemnité raisonnable à la personne pour les biens fournis et les services rendus à sa demande aux termes de l'article 7 dont le montant équivaut au taux courant du marché pour les biens et services de même type, dans la région où les biens ont été fournis ou où les services ont été rendus.

Compensation

(2) Any person who suffers loss, injury or damage as a result of anything done or purported to be done under these Regulations may make an application for compensation in accordance with Part V of the *Emergencies Act* and any regulations made under that Part, as the case may be.

Compliance — peace officer

10 (1) In the case of a failure to comply with these Regulations, any peace officer may take the necessary measures to ensure the compliance with these Regulations and with any provincial or municipal laws and allow for the prosecution for that failure to comply.

Contravention of regulations

(2) In the case of a failure to comply with these Regulations, any peace officer may take the necessary measures to ensure the compliance and allow for the prosecution for that failure to comply

(a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both; or

(b) on indictment, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both.

Coming into force

11 This Order comes into force on the day on which it is registered.

indemnisation

(2) Toute personne qui subit des dommages corporels ou matériels entraînés par des actes accomplis, ou censés l'avoir été, en application du présent règlement peut, à cet égard, présenter une demande d'indemnisation conformément à la partie V de la *Loi sur les mesures d'urgence* et à ses règlements d'application, le cas échéant.

Application des lois

10 (1) En cas de contravention au présent règlement, tout agent de la paix peut prendre les mesures nécessaires pour faire observer le présent règlement ou toutes lois provinciales ou municipales et permettre l'engagement de poursuites pour cette contravention.

Pénalités

(2) Quiconque contrevient au présent règlement est coupable d'une infraction passible, sur déclaration de culpabilité :

a) par procédure sommaire, d'une amende maximale de 500 \$ et d'un d'emprisonnement maximal de six mois, ou de l'une de ces peines;

b) par mise en accusation, d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de cinq ans, ou de l'une de ces peines.

entrée en vigueur

11 Le présent règlement entre en vigueur à la date de son enregistrement.

Registration
SOR/2022-22 February 15, 2022

EMERGENCIES ACT

P.C. 2022-108 February 15, 2022

Whereas the Governor in Council has, by a proclamation made pursuant to subsection 17(1) of the *Emergencies Act*, declared that a public order emergency exists;

And whereas the Governor in Council has reasonable grounds to believe that the measures with respect to property referred to in this Order are necessary;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to subsection 19(1) of the *Emergencies Act*, makes the annexed *Emergency Economic Measures Order*.

emergency economic measures Order

definitions

1 The following definitions apply to this Order:

designated person means any individual or entity that is engaged, directly or indirectly, in an activity prohibited by sections 2 to 5 of the *Emergency Measures Regulations*. (*personne désignée*)

entity includes a corporation, trust, partnership, fund, unincorporated association or organization or foreign state. (*entité*)

duty to cease dealings

2 (1) Any entity set out in section 3 must, upon the coming into force of this Order, cease

(a) dealing in any property, wherever situated, that is owned, held or controlled, directly or indirectly, by a designated person or by a person acting on behalf of or at the direction of that designated person;

(b) facilitating any transaction related to a dealing referred to in paragraph (a);

(c) making available any property, including funds or virtual currency, to or for the benefit of a designated person or to a person acting on behalf of or at the direction of a designated person; or

Enregistrement
DORS/2022-22 Le 15 février 2022

LOI SUR LES MESURES D'URGENCE

C.P. 2022-108 Le 15 février 2022

Attendu que la gouverneure en conseil a, par proclamation prise en vertu du paragraphe 17(1) de la *Loi sur les mesures d'urgence*, déclaré qu'il existe un état d'urgence;

Attendu que la gouverneure en conseil a des motifs raisonnables de croire que les mesures relatives aux biens prévues dans le présent décret sont fondées,

À ces causes, sur recommandation du ministre de la Sécurité publique et de la Protection civile et en vertu du paragraphe 19(1) de la *Loi sur les mesures d'urgence*, Son Excellence la Gouverneure générale en conseil prend le *Décret sur les mesures économiques d'urgence*, ci-après.

décret sur les mesures économiques
d'urgence

définitions

1 Les définitions qui suivent s'appliquent au présent décret :

entité S'entend notamment d'une personne morale, d'une fiducie, d'une société de personne, d'un fonds, d'une organisation ou d'une association dotée de la personnalité morale ou d'un État étranger. (*entité*)

personne désignée Toute personne physique ou entité qui participe, même indirectement, à l'une ou l'autre des activités interdites au titre des articles 2 à 5 du *Règlement sur les mesures d'urgence*. (*designated person*)

Obligations de cesser les opérations

2 (1) Dès l'entrée en vigueur du présent décret, les entités visées à l'article 3 doivent cesser :

a) toute opération portant sur un bien, où qu'il se trouve, appartenant à une personne désignée ou détenu ou contrôlé par elle ou pour son compte ou suivant ses instructions;

b) toute transaction liée à une opération visée à l'alinéa a) ou d'en faciliter la conclusion;

c) de rendre disponible des biens — notamment des fonds ou de la monnaie virtuelle — à une personne désignée ou à une personne agissant pour son compte

(d) providing any financial or related services to or for the benefit of any designated person or acquire any such services from or for the benefit of any such person or entity.

insurance policy

(2) Paragraph 2(1)(d) does not apply in respect of any insurance policy which was valid prior to the coming in force of this Order other than an insurance policy for any vehicle being used in a public assembly referred to in subsection 2(1) of the *Emergency Measures Regulations*.

duty to determine

3 The following entities must determine on a continuing basis whether they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person:

(a) *authorized foreign banks*, as defined in section 2 of the *Bank Act*, in respect of their business in Canada, and banks regulated by that Act;

(b) cooperative credit societies, savings and credit unions and caisses populaires regulated by a provincial Act and associations regulated by the *Cooperative Credit Associations Act*;

(c) *foreign companies*, as defined in subsection 2(1) of the *Insurance Companies Act*, in respect of their insurance business in Canada;

(d) *companies, provincial companies and societies*, as those terms are defined in subsection 2(1) of the *Insurance Companies Act*;

(e) fraternal benefit societies regulated by a provincial Act in respect of their insurance activities and insurance companies and other entities regulated by a provincial Act that are engaged in the business of insuring risks;

(f) companies regulated by the *Trust and Loan Companies Act*;

(g) trust companies regulated by a provincial Act;

(h) loan companies regulated by a provincial Act;

(i) entities that engage in any activity described in paragraphs 5(h) and (h.1) of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*;

(j) entities authorized under provincial legislation to engage in the business of dealing in securities or to provide portfolio management or investment counselling services;

ou suivant ses instructions, ou au profit de l'une ou l'autre de ces personnes;

d) de fournir des services financiers ou connexes à une personne désignée ou à son profit ou acquérir de tels services auprès d'elle ou à son profit.

Police d'assurance

(2) Toutefois, l'alinéa 2(1)d) ne s'applique pas à l'égard d'une police d'assurance effective — au moment de l'entrée en vigueur du présent décret — portant sur un véhicule autre que celui utilisé lors d'une assemblée publique visée au paragraphe 2(1) du *Règlement sur les mesures d'urgence*.

vérification

3 Il incombe aux entités mentionnées ci-après de vérifier de façon continue si des biens qui sont en leur possession ou sous leur contrôle appartiennent à une personne désignée ou sont détenus ou contrôlés par elle ou pour son compte :

a) les banques étrangères autorisées, au sens de l'article 2 de la *Loi sur les banques*, dans le cadre de leurs activités au Canada, et les banques régies par cette loi;

b) les coopératives de crédit, caisses d'épargne et de crédit et caisses populaires régies par une loi provinciale et les associations régies par la *Loi sur les associations coopératives de crédit*;

c) les sociétés étrangères, au sens du paragraphe 2(1) de la *Loi sur les sociétés d'assurances*, dans le cadre de leurs activités d'assurance au Canada;

d) les sociétés, les sociétés de secours et les sociétés provinciales, au sens du paragraphe 2(1) de la *Loi sur les sociétés d'assurances*;

e) les sociétés de secours mutuel régies par une loi provinciale, dans le cadre de leurs activités d'assurance, et les sociétés d'assurances et autres entités régies par une loi provinciale qui exercent le commerce de l'assurance;

f) les sociétés régies par la *Loi sur les sociétés de fiducie et de prêt*;

g) les sociétés de fiducie régies par une loi provinciale;

h) les sociétés de prêt régies par une loi provinciale;

i) les entités qui se livrent à une activité visée aux alinéas 5h) et h.1) de la *Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes*;

(k) entities that provide a platform to raise funds or virtual currency through donations; and

(l) entities that perform any of the following payment functions:

(i) the provision or maintenance of an account that, in relation to an electronic funds transfer, is held on behalf of one or more end users,

(ii) the holding of funds on behalf of an end user until they are withdrawn by the end user or transferred to another individual or entity,

(iii) the initiation of an electronic funds transfer at the request of an end user,

(iv) the authorization of an electronic funds transfer or the transmission, reception or facilitation of an instruction in relation to an electronic funds transfer, or

(v) the provision of clearing or settlement services.

registration requirement — FiNTrAC

4 (1) The entities referred to in paragraphs 3(k) and (l) must register with the Financial Transactions and Reports Analysis Centre of Canada established by section 41 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* if they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person.

reporting obligation — suspicious transactions

(2) Those entities must also report to the Centre every financial transaction that occurs or that is attempted in the course of their activities and in respect of which there are reasonable grounds to suspect that

(a) the transaction is related to the commission or the attempted commission of a money laundering offence by a designated person; or

(b) the transaction is related to the commission or the attempted commission of a terrorist activity financing offence by a designated person.

reporting obligation — other transactions

(3) Those entities must also report to the Centre the transactions and information set out in subsections 30(1)

j) les entités autorisées en vertu de la législation provinciale à se livrer au commerce des valeurs mobilières ou à fournir des services de gestion de portefeuille ou des conseils en placement;

k) les plateformes collaboratives et celles de monnaie virtuelle qui sollicitent des dons;

l) toute entité qui exécute l'une ou l'autre de fonctions suivantes :

(i) la fourniture ou la tenue d'un compte détenu au nom d'un ou de plusieurs utilisateurs finaux en vue d'un transfert électronique de fonds,

(ii) la détention de fonds au nom d'un utilisateur final jusqu'à ce qu'ils soient retirés par celui-ci ou transférés à une personne physique ou à une entité,

(iii) l'initiation d'un transfert électronique de fonds à la demande d'un utilisateur final,

(iv) l'autorisation de transfert électronique de fonds ou la transmission, la réception ou la facilitation d'une instruction en vue d'un transfert électronique de fonds,

(v) la prestation de services de compensation ou de règlement.

inscription obligatoire — Centre

4 (1) Les entités visées aux alinéas 3k) et l) doivent s'inscrire auprès du Centre d'analyse des opérations et déclarations financières du Canada constitué par l'article 41 de la *Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes* s'ils ont en leur possession un bien appartenant à une personne désignée ou détenu ou contrôlé par elle ou pour son compte ou suivant ses instructions.

Opérations douteuses

(2) Elles doivent également déclarer au Centre toute opération financière effectuée ou tentée dans le cours de ses activités et à l'égard de laquelle il y a des motifs raisonnables de soupçonner qu'elle est liée à la perpétration — réelle ou tentée — par à une personne désignée :

a) soit d'une infraction de recyclage des produits de la criminalité;

b) soit d'une infraction de financement des activités terroristes.

Autres opérations

(3) Elles doivent également déclarer au Centre les opérations visées aux paragraphes 30(1) ou 33(1) du *Règlement*

and 33(1) of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations*.

duty to disclose — rCmP or Csis

5 Every entity set out in section 3 must disclose without delay to the Commissioner of the Royal Canadian Mounted Police or to the Director of the Canadian Security Intelligence Service

(a) the existence of property in their possession or control that they have reason to believe is owned, held or controlled by or on behalf of a designated person; and

(b) any information about a transaction or proposed transaction in respect of property referred to in paragraph (a).

disclosure of information

6 A Government of Canada, provincial or territorial institution may disclose information to any entity set out in section 3, if the disclosing institution is satisfied that the disclosure will contribute to the application of this Order.

immunity

7 No proceedings under the *Emergencies Act* and no civil proceedings lie against an entity for complying with this Order.

Coming into force

8 This Order comes into force on the day on which it is registered.

sur le recyclage des produits de la criminalité et le financement des activités terroristes.

Obligation de communication à la GrC et au sCrC

5 Toute entité visée à l'article 3 est tenue de communiquer, sans délai, au commissaire de la Gendarmerie royale du Canada ou au directeur du Service canadien du renseignement de sécurité :

a) le fait qu'elle croit que des biens qui sont en sa possession ou sous son contrôle appartiennent à une personne désignée ou sont détenus ou contrôlés par elle ou pour son compte;

b) tout renseignement portant sur une transaction, réelle ou projetée, mettant en cause des biens visés à l'alinéa a).

Communication

6 Toute institution fédérale, provinciale ou territoriale peut communiquer des renseignements au responsable d'une entité visée à l'article 3, si elle est convaincue que les renseignements aideront à l'application du présent décret.

immunité

7 Aucune poursuite en vertu de la *Loi sur les mesures d'urgence* ni aucune procédure civile ne peuvent être intentées contre une entité qui se conforme au présent décret.

entrée en vigueur

8 Le présent décret entre en vigueur à la date de son enregistrement.

February 14, 2022 Declaration of Public Order Emergency
Explanation pursuant to subsection 58(1) of the *Emergencies Act*

Declaration of Public Order Emergency

On February 14, 2022, the Governor in Council directed that a proclamation be issued pursuant to subsection 17(1) of the *Emergencies Act* declaring that a public order emergency exists throughout Canada that necessitates the taking of special temporary measures for dealing with the emergency.

In order to declare a public order emergency, the *Emergencies Act* requires that there be an emergency that arises from threats to the security of Canada that are so serious as to be a national emergency. Threats to the security of Canada include the threat or use of acts of serious violence against persons or property for the purpose of achieving a political or ideological objective. A national emergency is an urgent, temporary and critical situation that seriously endangers the health and safety of Canadians that cannot be effectively dealt with by the provinces or territories, or that seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada. It must be a situation that cannot be effectively dealt with by any other law of Canada. Any measures taken under the *Act* must be exercised in accordance with the *Canadian Charter of Rights and Freedoms* and should be carefully tailored to limit any impact on *Charter* rights to what is reasonable and proportionate in the circumstances.

The *Proclamation Declaring a Public Order Emergency* made on February 14, 2022 specified that the public order emergency is constituted of:

- (i) the continuing blockades by both persons and motor vehicles that is occurring at various locations throughout Canada and the continuing threats to oppose measures to remove the blockades, including by force, which blockades are being carried on in conjunction with activities that are directed toward or in support of the threat or use of acts of serious violence against persons or property, including critical infrastructure, for the purpose of achieving a political or ideological objective within Canada,
- (ii) the adverse effects on the Canadian economy — recovering from the impact of the pandemic known as the coronavirus disease 2019 (COVID-19) — and threats to its economic security resulting from the impacts of blockades of critical infrastructure, including trade corridors and international border crossings,
- (iii) the adverse effects resulting from the impacts of the blockades on Canada's relationship with its trading partners, including the United States (U.S.), that are detrimental to the interests of Canada,

(iv) the breakdown in the distribution chain and availability of essential goods, services and resources caused by the existing blockades and the risk that this breakdown will continue as blockades continue and increase in number, and

(v) the potential for an increase in the level of unrest and violence that would further threaten the safety and security of Canadians.

The proclamation specifies six types of temporary measures that may be necessary to deal with the public order emergency:

(i) measures to regulate or prohibit any public assembly — other than lawful advocacy, protest or dissent — that may reasonably be expected to lead to a breach of the peace, or the travel to, from or within any specified area, to regulate or prohibit the use of specified property, including goods to be used with respect to a blockade, and to designate and secure protected places, including critical infrastructure,

(ii) measures to authorize or direct any person to render essential services of a type that the person is competent to provide, including services related to removal, towing and storage of any vehicle, equipment, structure or other object that is part of a blockade anywhere in Canada, to relieve the impacts of the blockades on Canada's public and economic safety, including measures to identify those essential services and the persons competent to render them and to provide reasonable compensation in respect of services so rendered,

(iii) measures to authorize or direct any person to render essential services to relieve the impacts of the blockade, including measures to regulate or prohibit the use of property to fund or support the blockade, to require any crowdfunding platform and payment processor to report certain transactions to the Financial Transactions and Reports Analysis Centre of Canada and to require any financial service provider to determine whether they have in their possession or control property that belongs to a person who participates in the blockade,

(iv) measures to authorize the Royal Canadian Mounted Police (RCMP) to enforce municipal and provincial laws by means of incorporation by reference,

(v) the imposition of fines or imprisonment for contravention of any order or regulation made under section 19 of the *Emergencies Act*; and

(vi) other temporary measures authorized under section 19 of the *Emergencies Act* that are not yet known.

These measures have been implemented by the *Emergency Measures Regulations* and the *Emergency Economic Measures Order*.

Section 58(1) of the *Emergencies Act* requires that a motion for confirmation of a declaration of emergency, signed by a Minister of the Crown, together with an explanation of the reasons for

issuing the declaration and a report on any consultation with the lieutenant governors in council of the provinces with respect to the declaration, be laid before each House of Parliament within seven sitting days after the declaration is issued.

Background leading to the declaration of emergency

The “Freedom Convoy 2022” was the first manifestation of this growing movement centered on anti-government sentiments related to the public health response to the COVID-19 pandemic. Trucker convoys began their journey from various points in the country, and the movement arrived in Ottawa on Friday, January 28, 2022. Since then, the movement has only continued to gain momentum across the country, with significant increase in numbers in Ottawa as well as protests and blockades spreading in different locations, including strategic ports of entry (e.g., Ambassador Bridge, Ontario; Coutts, Alberta; and Emerson, Manitoba).

Participants of these activities have adopted a number of tactics that are threatening, causing fear, disrupting the peace, impacting the Canadian economy, and feeding a general sense of public unrest – either in favour or against the movement. This has included harassing and berating citizens and members of the media, slow roll activity, slowing down traffic and creating traffic jams, in particular near ports of entry, as well as reports of protesters bringing children to protest sites to limit the level and types of law enforcement intervention. The movement has moved beyond a peaceful protest, and there is significant evidence of illegal activity underway. Regular citizens, municipalities and the province of Ontario have all participated in court proceedings seeking injunctive relief to manage the threats and impacts caused by the convoy’s activities, and a proposed class-action has been filed on behalf of residents of Ottawa.

Anecdotal reports of donations from outside Canada to support the protesters were given credence when, on February 13, 2022, hackers of the crowdfunding website, GiveSendGo.com, released hacked data that revealed information about donors and the amount of donations directed to the protesters. According to the Canadian Broadcasting Corporation’s February 14, 2022 analysis of the data, 55.7% of the 92,844 donations made public were made by donors in the U.S., compared to 39% of donors located in Canada. The remaining donors were in other countries, with the U.K. being the most common. The amount donated by U.S. donors totaled \$3.6 million (USD). Many of the donations were made anonymously.

Requests for Assistance and Consultations

The federal government has been in contact with its provincial counterparts throughout this situation. Some requests for federal support to deal with the blockades were from:

- the City of Ottawa for policing services;
- the Province of Ontario with respect to the Ambassador Bridge in Windsor, Ontario; and

- the Province of Alberta with respect to tow truck capacity at the Coutts port of entry.

For further details on the consultations, please see the Report to the Houses of Parliament: *Emergencies Act* Consultations.

Emergency Measures Taken by Ontario and other provinces

On February 11, 2022, the Province of Ontario declared a province-wide state of emergency under its *Emergency Management and Civil Protection Act*, in response to the interference with transportation and other critical infrastructure throughout the province, which is preventing the movement of people and delivery of essential goods.

Measures that have since been implemented under these emergency measures include: fines and possible imprisonment for protesters refusing to leave, with penalties of \$100,000 and up to one year of imprisonment for non-compliance.

On February 12, 2022, the Ontario Government also enacted legislation under the *Emergency Management and Civil Protection Act*, (Ontario Regulation 71/22) making it illegal and punishable to block and impede the movement of goods, people and services along critical infrastructure. New Brunswick has announced that it will update its *Emergency Act* to prohibit stopping or parking a vehicle or otherwise contributing to the interruption of the normal flow of vehicle traffic on any road or highway. Nova Scotia similarly issued a directive under its *Emergency Management Act* prohibiting protests from blockading a highway near the Nova Scotia-New Brunswick border.

No other province has signaled its intent to take similar steps.

As detailed in the Reasons below, the convoy activities have led to an emergency that arises from threats to the security of Canada and that is so serious as to be a national emergency.

Reasons for Public Order Emergency

The situation across the country remains concerning, volatile and unpredictable. The decision to issue the declaration was informed by an assessment of the overall, national situation and robust discussions at three meetings of the Incident Response Group on February 10, 12 and 13, 2022.

The intent of these measures is to supplement provincial and territorial authorities to address the blockades and occupation and to restore public order, the rule of law and confidence in Canada's institutions. These time-limited measures will be used only where needed depending on the nature of the threat and its evolution and would not displace or replace provincial and territorial authorities, nor would they derogate provinces and territories' authority to direct their police

forces. The convoy activities and their impact constituting the reasons for the emergency as set out in the *Proclamation Declaring a Public Order Emergency* are detailed below:

- i. **the continuing blockades by both persons and motor vehicles that is occurring at various locations throughout Canada and the continuing threats to oppose measures to remove the blockades, including by force, which blockades are being carried on in conjunction with activities that are directed toward or in support of the threat or use of acts of serious violence against persons or property, including critical infrastructure, for the purpose of achieving a political or ideological objective within Canada;**

The protests have become a rallying point for anti-government and anti-authority, anti-vaccination, conspiracy theory and white supremacist groups throughout Canada and other Western countries. The protesters have varying ideological grievances, with demands ranging from an end to all public health restrictions to the overthrow of the elected government. As one example, protest organizers have suggested forming a coalition government with opposition parties and the involvement of Governor General Mary Simon. This suggestion appears to be an evolution of a previous proposal from a widely circulated “memorandum of understanding” from a group called “Canada Unity” that is taking part in the convoy. The “memorandum of understanding” proposed that the Senate and Governor General could agree to join them in forming a committee to order the revocation of COVID-19 restrictions and vaccine mandates.

Tactics adopted by protesters in support of these aims include slow roll activity, slowing down traffic and creating traffic jams, in particular near ports of entry, as well as reports of protesters bringing children to protest sites to limit the level and types of law enforcement intervention. The intent of the protestors at ports of entry was to impede the importation and exportation of goods across the Canada-U.S. border in order to achieve a change in the Government of Canada’s COVID health measures in addition to other government policies.

Trucks and personal vehicles in the National Capital Region continue to disrupt daily life in Ottawa and have caused retail and other businesses to shutter. Local tow truck drivers have refused to work with governments to remove trucks in the blockade. The Chief of the Ottawa Police Service resigned on February 15, 2022 in response to criticism of the police’s response to the protests.

Convoy supporters formerly employed in law enforcement and the military have appeared alongside organizers and may be providing them with logistical and security advice, which may pose operational challenges for law enforcement should policing techniques and tactics be revealed to convoy participants. There is evidence of coordination between the various convoys and blockades.

Violent incidents and threats of violence and arrests related to the protests have been reported across Canada. The RCMP's recent seizure of a cache of firearms with a large quantity of ammunition in Coutts, Alberta, indicated that there are elements within the protests that have intentions to engage in violence. Ideologically motivated violent extremism adherents may feel empowered by the level of disorder resulting from the protests. Violent online rhetoric, increased threats against public officials and the physical presence of ideological extremists at protests also indicate that there is a risk of serious violence and the potential for lone actor attackers to conduct terrorism attacks.

To help manage these blockades and their significant adverse impacts, the *Emergency Measures Regulations* prohibit certain types of public assemblies ("prohibited assemblies") that may reasonably be expected to lead to a breach of the peace by: (i) the serious disruption of the movement of persons or goods or the serious interference with trade; (ii) interference with the functioning of critical infrastructure; or (iii) the support the threat or use of acts of serious violence against persons or property. They also prohibit individuals from (i) participating or causing minors to participate in prohibited assemblies; (ii) travelling to or within an area where prohibited assemblies are taking place, or causing minors to travel to or within 500 metres of a prohibited assembly, subject to certain exceptions; and (iii) directly or indirectly using, collecting, providing, making available or soliciting property to facilitate or participate in a prohibited assembly or to benefit any person who is facilitating or participating in a prohibited assembly. Foreign nationals are also prohibited from entering Canada with the intent to participate or facilitate a prohibited public assembly, subject to certain exceptions.

The *Emergency Management Regulations* also designate certain places as protected and provide that they may be secured, including Parliament Hill and the parliamentary precinct, critical infrastructures, official residences, government and defence buildings, and war memorials.

ii. the adverse effects on the Canadian economy — recovering from the impact of the pandemic known as the coronavirus disease 2019 (COVID-19) — and threats to its economic security resulting from the impacts of blockades of critical infrastructure, including trade corridors and international border crossings

Trade and transportation within Canada and between Canada and the U.S. is highly integrated. Border crossing, railway lines, airports and ports of entry are integrated and are adversely affected where one or more of the components is blockaded or prevented from operating under normal capacity.

Trade between Canada and the U.S. is crucial to the economy and the lives and welfare of all Canadians. Approximately 75% of Canadian exports go to the U.S., generating approximately \$2 billion in imports/exports per day and \$774 billion in total trade between the two countries in 2021.

Blockades and protests at numerous points along the Canada–U.S. border have already had a severe impact on Canada’s economy. Protests at the major ports of entry at the Ambassador Bridge in Windsor, Ontario; Emerson, Manitoba; Coutts Alberta; and, Pacific Highway in British Columbia, each of which is critical to the international movement of people and goods, required the Canada Border Services Agency (CBSA) to suspend services.

An essential trading corridor, the Ambassador Bridge is Canada’s busiest crossing, handling over \$140 billion in merchandise trade in 2021. It accounted for 26% of the country’s exports moved by road in 2021 (\$63 billion out of \$242 billion) and 33% of the country’s imports (\$80 billion out of \$240 billion). Since the blockades began at the Ambassador Bridge, over \$390 million in trade each day with Canada’s most important trading partner, the U.S., has been affected, resulting in the loss of employee wages, reduced automotive processing capacity and overall production loss in an industry already hampered by the supply shortage of critical electronic components. This bridge supports 30% of all trade by road between Canada and the U.S. The blockades in Coutts, Alberta, and Emerson, Manitoba, have affected approximately \$48 million and \$73 million in trade each day, respectively. These recent events targeting Canada’s high volume commercial ports of entry have irreparably harmed the confidence that our trading partners have in Canada’s ability to effectively contribute to the global economy and will result in manufacturers reassessing their manufacturing investments in Canada, impacting the health and welfare of thousands of Canadians.

In addition, throughout the week leading up to February 14, 2022, there were 12 additional protests that directly impacted port of entry operations. At two locations, Pacific Highway and Fort Erie, protestors had breached the confines of the CBSA plaza resulting in CBSA officers locking down the office to prevent additional protestors from gaining entry.

More specifically, disruptions at strategic ports of entry in Alberta, British Columbia, Manitoba and Ontario prior to the declaration of the emergency included:

- Ambassador Bridge, Windsor, Ontario: The busiest crossing along the Canada-U.S. border had been blocked since February 7, 2022. After an injunction was issued on February 11, 2022, law enforcement started to disperse protesters. On February 13, 2022, police enforcement action continued with reports of arrests being made and vehicles towed. As of the evening of February 13, 2022, the Ambassador Bridge has been fully reopened, and no delays at the border crossing are being reported, but efforts continue to ensure that the bridge remains open.

- Sarnia, Ontario: On February 8, 2022, two large groups of protestors conducted a blockade of the provincial highway leading to and from the Sarnia Blue Water Bridge. This port of entry is Canada's second busiest border crossing with imports and exports serving the oil and gas, perishable foods, livestock and automotive sectors. The protest resulted in the suspension of all outbound movement of commercial and traveller vehicles to the U.S. along with reduced inbound capacity for incoming conveyances. The Ontario Provincial Police (OPP) were able to restore order to the immediate area of the port of entry after ten hours of border disruption. On February 9, 2022, members of one of the protest groups established a highway blockade approximately 30 kilometres east of Sarnia on the provincial highway, resulting in the diversion of international traffic to emergency detour routes to gain access to the border. This activity continued until February 14, 2022 when access to the portion of the highway was restored.
- Fort Erie, Ontario: On February 12, 2022, a large protest targeted the CBSA Peace Bridge port of entry at Fort Erie, Ontario. This port of entry is Canada's third busiest land border crossing responsible for millions of dollars in international trade each day of perishable goods, manufacturing components and courier shipments of personal and business goods being imported and exported. The protest disrupted inbound traffic for a portion of the day on February 12, 2022 and resulted in the blockade of outbound traffic until February 14, 2022 when the OPP and Niagara Regional Police were able to restore security of the trade corridor linking the provincial highway to the border crossing.
- Emerson, Manitoba: As of February 13, 2022, vehicles of the blockade remain north of the port of entry. Some local traveller traffic was able to enter Canada, however commercial shipments are unable to use the highway North of Emerson resulting in disruptions to live animal, perishable and manufactured goods shipments into Canada and exports to the U.S. The protesters have allowed some live animal shipments to proceed through the blockade for export to the U.S.
- Coutts, Alberta: The blockade began on January 29, 2022, resulting in the disruption of Canada and U.S. border traffic. This port of entry is a critical commercial border point for the movement of live animals, oil and gas, perishable and manufactured goods destined for Alberta and western Saskatchewan. As of February 14, 2022, the RCMP, who is the police of jurisdiction pursuant to the provincial Police Service Agreement, have arrested 11 individuals and seized a cache of weapons and ammunition. Four of these individuals were charged with conspiracy to commit murder, in addition to other offences. The RCMP restored access to the provincial highway North of Coutts on February 15, 2022 and border services were fully restored, but efforts continue to ensure that it remains open.

- Vancouver, British Columbia (BC), and Metro area: On February 12, 2022, several vehicles including a military-style vehicle broke through an RCMP barricade in south Surrey, BC, on their way to the Pacific Highway port of entry. Protesters forced the highway closure at the Canada-U.S. border in Surrey.

In addition, on February 12, 2022, police in Cornwall, Ontario warned of potential border delays and blockages due to protests.

These blockades and protests directly threaten the security of Canada's borders, with the potential to endanger the ability of Canada to manage the flow of goods and people across the border and the safety of CBSA officers and to undermine the trust and coordination between CBSA officials and their American partners. Additional blockades are anticipated. While Ontario's *Emergency Management and Civil Protection Act* authorizes persons to provide assistance, it specifically does not compel them to do so. Tow truck operators remain free to decline requests to tow vehicles that were part of the blockades and they have refused to render assistance to the government of Ontario. It was beyond the capacity of the province of Ontario to ensure in a timely manner that tow trucks could be used to clear vehicles. The emergency measures now allow the federal Minister of Public Safety and Emergency Preparedness or any other person acting on their behalf to immediately compel individuals to provide and render essential goods and services for the removal, towing or storage of any vehicle or other object that is part of a blockade and provides that reasonable compensation will be payable. Individuals who suffer loss or damage because of actions taken under these Regulations may apply for compensation.

Threats were also made to block railway lines, which would result in significant disruptions. Canada's freight rail industry transports more than \$310 billion worth of goods each year on a network that runs from coast to coast. Canada's freight railways serve customers in almost every part of the Canadian economy: from manufacturing to the agricultural, natural resource, wholesale and retail sectors. In addition, freight railways have Canadian operating revenues of more than \$16 billion a year.

The impact on important trade corridors and the risk to the reputation of Canada as a stable, predictable and reliable location for investment may be jeopardized if disruptions continue. The current federal and provincial financial systems are ill-equipped to mitigate the adverse effects of the economic impact without additional measures. The *Emergency Economic Measures Order* requires a comprehensive list of financial service providers to determine whether any of the property in their possession or control belong to protesters participating in the illegal blockades and to cease dealing with those protesters. Financial service providers who would otherwise be outside federal jurisdiction are subject to the Order. Given the ability to move financial resources between financial service providers without regard to their geographic location or whether they are provincially- or federally-regulated, it is essential that all financial service providers be subject to the Order if protesters are to be prevented from accessing financial services. The importance of

this measure is highlighted by the Canadian Broadcasting Corporation's recent reporting about the crowdfunding website, GiveSendGo.com, which indicated that the majority of the donations to the protests were made by donors outside of Canada.

Before the new measures, in respect of insurance, provinces would only be able to cancel or suspend policies for vehicles registered in that province. Protestors from different provinces would not be subject to, for example, the Government of Ontario's powers under its declaration of a state of emergency to cancel licenses of vehicles participating in blockades or prohibited assemblies. The emergency measures now require insurance companies to cancel or suspend the insurance of any vehicle or person while that person or vehicle is taking part in a prohibited assembly as defined under the new *Emergency Measures Regulations*.

iii. the adverse effects resulting from the impacts of the blockades on Canada's relationship with its trading partners, including the U.S., that are detrimental to the interests of Canada

The U.S. has expressed concerns related to the economic impacts of blockades at the borders, as well as possible impacts on violent extremist movements. During a call with President Joe Biden on February 11, 2022, the critical importance of resolving access to the Ambassador Bridge and other ports of entry as quickly as possible was discussed, given their role as vital bilateral trade corridors, and as essential to the extensive interconnections between our two countries.

Disruptions at ports of entry have significant impacts on trade with U.S. partners and the already fragile supply chain, and have resulted in temporary closures of manufacturing sites, job loss, and loss of revenues. One week of the Ambassador Bridge blockade alone is estimated to have caused a total economic loss of \$51 million for U.S. working people and businesses in the automotive and transportation industry. Consequently, the protests have been the cause of significant criticism and concern from U.S. political, industry and labour leaders.

The Governor of Michigan has issued several statements expressing her frustration with the ongoing protests and blockade and the damage they are doing to her state and constituents. Similar frustrations have been voiced by the General President of the International Brotherhood of Teamsters and the Canada-U.S. Business Association. The blockades and protests are of such concern to the U.S. government that the Department of Homeland Security Secretary has offered its assistance in ending the protests.

More generally, the protests and blockades are eroding confidence in Canada as a place to invest and do business. Politicians in Michigan have already speculated that disruptions in cross border trade may lead them to seek domestic, as opposed to Canadian, suppliers for automotive parts.

iv. the breakdown in the distribution chain and availability of essential goods, services and resources caused by the existing blockades and the risk that this breakdown will continue as blockades continue and increase in number

Canada has a uniquely vulnerable trade and transportation system. Relative to global competitors, Canadian products travel significantly further, through challenging geography and climate conditions. Moreover, trade and transport within Canada, and between Canada and the U.S. is highly integrated.

The closure of, and threats against, crucial ports of entry along the Canada-U.S. border has not only had an adverse impact on Canada's economy, it has also imperiled the welfare of Canadians by disrupting the transport of crucial goods, medical supplies, food, and fuel across the U.S.-Canada border. A failure to keep international crossings open could result in a shortage of crucial medicine, food and fuel.

In addition to the blockades along the border, protesters attempted to impede access to the MacDonald-Cartier International Airport in Ottawa and threatened to blockade railway lines. The result of a railway blockade would be significant. As noted above, Canada's freight rail industry transports more than \$310 billion worth of goods each year on a network that runs from coast to coast. Canada's freight railways serve customers in almost every part of the Canadian economy: from manufacturing, to the agricultural, natural resource, wholesale and retail sectors.

v. the potential for an increase in the level of unrest and violence that would further threaten the safety and security of Canadians

The protests and blockades pose severe risks to public safety. While municipal and provincial authorities have taken decisive action in key affected areas, such as law enforcement activity at the Ambassador Bridge in Windsor, considerable effort was necessary to restore access to the site and will be required to maintain access.

There is significant evidence of illegal activity to date and the situation across the country remains concerning, volatile and unpredictable. The Freedom Convoy could also lead to an increase in the number of individuals who support ideologically motivated violent extremism (IMVE) and the prospect for serious violence. Proponents of IMVE are driven by a range of influences rather than a singular belief system. IMVE radicalization is more often caused by a combination of ideas and grievances resulting in a personalized worldview. The resulting worldview often centres on the willingness to incite, enable or mobilize violence.

On February 14, 2022, the RCMP arrested numerous individuals in Coutts, Alberta associated with a known IMVE group who had been engaged with the protests and seized a cache of firearms with a large quantity of ammunition, which indicates that there are elements within this movement that intend to engage in violence. Four of these individuals were charged with conspiracy to commit murder, in addition to other offences.

Since the convoy began, there has been a significant increase in the number and duration of incidents involving criminality associated with public order events related to anti-public health measures and there have been serious threats of violence assessed to be politically or ideologically motivated. Two bomb threats were made to Vancouver hospitals and numerous suspicious packages containing rhetoric that references the hanging of politicians and potentially noxious substances were sent to offices of Members of Parliament in Nova Scotia. While a link to the convoy has not yet been established in either case, these threats are consistent with an overall uptick in threats made against public officials and health care workers. A number of threats were noted regarding the Nova Scotia-New Brunswick border demonstration set for February 12, 2022, including a call to bring “arms” to respond to police if necessary. An Ottawa tow truck operator reported that he received death threats from protest supporters who mistakenly believed he provided assistance to the police.

The Sûreté du Québec (SQ) has been dealing with multiple threats arising from the protests. In early February, 2022, the SQ was called in to provide protection to the National Assembly in response to the convoy protests in Quebec City. Some individuals associated with the protests had threatened to take up arms and attack the National Assembly. This led to all parties at the National Assembly strongly denouncing all threats of violence. While that protest was not accompanied by violence, the threat has not ended; the protesters have stated that they plan to return on February 19, 2022. At the same time, the SQ is also dealing with threats of protests and blockades along Quebec’s border with New York State. This requires the SQ to deploy resources to establish checkpoints and ensure that crucial ports of entry remain open.

Other incidents which have occurred during the course of the blockades point to efforts by U.S.-based supporters of IMVE to join protests in Canada, or to conduct sympathetic disruptive blockades on the U.S. side of ports of entry. In some cases, individuals were openly carrying weapons. U.S.-based individuals, some openly espousing violent extremist rhetoric, have employed a variety of social media and other methods to express support for the ongoing blockades, to advocate for further disruptions, and to make threats of serious violence against Canadian law enforcement and the Government of Canada.

Several individuals with U.S. status have attempted to enter Canada with the stated purpose of joining the blockades. One high profile individual is known to have openly expressed opposition to COVID-19-related health measures, including vaccine mandates and has attempted to import

materials to Canada for the express purpose of supporting individuals participating in the blockades.

As of February 14, 2022, approximately 500 vehicles, most of them commercial trucks, were parked in Ottawa's downtown core. There have been reports of protesters engaging in hate crimes, breaking into businesses and residences, and threatening law enforcement and Ottawa residents.

Protesters have refused to comply with injunctions covering downtown Ottawa and the Ambassador Bridge and recent legislation enacted by the Ontario Government under the *Emergency Management and Civil Protection Act* (Ontario Regulation 71/22), which makes it illegal and punishable to block and impede the movement of goods, people and services along critical infrastructure. In Ottawa, the Ottawa Police Service has been unable to enforce the rule of law in the downtown core due to the overwhelming volume of protesters and the Police's ability to respond to other emergencies has been hampered by the flooding of Ottawa's 911 hotline, including by individuals from outside Canada. The occupation of the downtown core has also hindered the ability of emergency medical responders to attend medical emergencies in a timely way and has led to the cancellation of many medical appointments.

The inability of municipal and provincial authorities to enforce the law or control the protests may lead to a further reduction in public confidence in police and other Canadian institutions.

The situation in downtown Ottawa also impedes the proper functioning of the federal government and the ability of federal government officials and other workers to enter their workplaces in the downtown core safely.

Furthermore, the protests jeopardize Canada's ability to fulfil its obligations under the *Vienna Convention on Diplomatic Relations* as a host of the diplomatic community and pose risks to foreign embassies, their staff and their access to their diplomatic premises.

Conclusion

The ongoing Freedom Convoy 2022 has created a critical, urgent, temporary situation that is national in scope and cannot effectively be dealt with under any other law of Canada. The blockades of the ports of entry have disrupted the transportation of crucial medicine, goods, fuel and food to Canadians and are causing significant adverse effects on Canada's economy, relationship with trading partners and supply chains. These trade disruptions, the increase in criminal activity, the occupation of downtown Ottawa and the threats of violence and presence of firearms at protests – along with the other reasons detailed above – constitute a public order emergency, an emergency that arises from threats to the security of Canada and that is so serious as to be a national emergency. The types of measures set out in the February 14, 2022 *Proclamation Declaring a Public Order Emergency* are necessary in order to supplement

provincial and territorial authorities to address the blockades and occupation and to restore public order, the rule of law and confidence in Canada's institutions. The measures have been carefully tailored such that any potential effects on rights protected under the *Canadian Charter of Rights and Freedoms* are reasonable and proportionate in the circumstances.

Report to the Houses of Parliament: *Emergencies Act* Consultations

February 16, 2022

Report to the Houses of Parliament: *Emergencies Act* Consultations

Background and the Requirement to Consult

On February 14, 2022, the Governor in Council declared a public order emergency under the *Emergencies Act*. Section 25 of the Act requires the Governor in Council to consult the Lieutenant Governor in Council of each province with respect to a proposal to declare a public order emergency. A report of these consultations must be laid before each House of Parliament within seven sitting days after the declaration is issued, in accordance with section 58 of the Act.

Engagement

Since the crisis began in late January, federal ministers and officials have continuously engaged provinces and territories, municipalities, and law enforcement agencies to assess the situation and to offer the support and assistance of the Government of Canada. Staff in the Prime Minister's Office and in various Minister's offices had ongoing communications with Premiers' offices and related ministers' offices throughout this period. Examples of engagement with provincial, municipal, and international partners include the following:

- There has been regular engagement with the City of Ottawa in relation to requests for federal support. This includes the request from the City of Ottawa for policing services (February 7, 2022 letter to the Prime Minister from the Ottawa Mayor and the Chair of the Ottawa Police Services Board).
 - The Prime Minister spoke to the Mayor of Ottawa on January 31 and February 8, 2022 about the illegal occupation in Ottawa.
 - Trilateral meetings took place on February 7, 8, and 10, 2022 with the President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness, the Minister of Public Safety, the Mayor of Ottawa, the City Manager of Ottawa, and the Chief of Ottawa Police Services. The Minister also spoke with the Solicitor General of Ontario on February 7, 2022 to discuss the work of the tripartite table.
 - Staff from the Office of the President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness have been in regular contact with the Office of the Premier of Ontario, as well as the Deputy Mayor of Ottawa.
 - The President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness also spoke with the President of the Canadian Association of Chiefs of Police on February 3 and 13, 2022 on support for the Ottawa Police Service.
 - The President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness also spoke with the President of the Federation of Canadian Municipalities on February 3, 2022 about the situation in Ottawa.
- There has also been regular engagement with municipal and provincial officials concerning the Ambassador Bridge, including on a request for assistance received from the City of Windsor on February 9, 2022.

- The Prime Minister spoke with the Premier of Ontario on February 9, 2022, and the Minister of Intergovernmental Affairs, Infrastructure and Communities spoke with the Premier of Ontario (February 10 and 11, 2022) regarding measures being taken by the Province in relation to the Ambassador Bridge.
 - The Prime Minister spoke to the Mayor of Windsor on February 10, 2022 about the blockade at the Ambassador Bridge.
 - The Prime Minister spoke with the President of the United States on February 11, 2022. The leaders discussed the critical importance of resolving access to the Ambassador Bridge and other ports of entry as quickly as possible.
 - The Minister of Transport spoke with Ontario's Minister of Transportation on February 9, 2022 about the blockades at border crossings. The Minister also spoke with the Mayor of Windsor on February 11, 2022 concerning the Ambassador Bridge.
 - Staff from the Office of the President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness and the Office of the Minister of Intergovernmental Affairs, Infrastructure and Communities have also been in regular contact with the City of Windsor.
- The Minister of Public Safety engaged the Premier of Ontario on February 9, 2022. The Minister has also been in regular contact with the Mayor of Ottawa and the Mayor of Windsor, including through the tripartite discussions. His staff have also engaged with both Mayors' offices. The Office of the Minister of Intergovernmental Affairs, Infrastructure and Communities engaged the Office of the Minister of Transportation of Ontario on February 7, 2022, and was in regular contact with the Office of the Premier of Ontario.
 - The Office of the Prime Minister has also had ongoing discussions with the Office of the Premier of Ontario regarding the Ottawa, Windsor, and Sarnia blockades in the weeks leading up to the declaration. These conversations made it clear that more federal support was needed.
 - There has been regular engagement with provincial officials concerning the Coutts port of entry, including the Province's request for assistance in relation to tow truck capacity (February 5, 2022 letter to Ministers of Public Safety and Emergency Preparedness from the Alberta Minister of Municipal Affairs).
 - The Minister of Public Safety engaged with the Premier of Alberta on February 2 and 9, 2022, and with the Premier and the Acting Minister of Justice and Solicitor General of Alberta on February 7, 2022. The Minister also engaged the Acting Minister of Justice and Solicitor General of Alberta on February 1, 5, and 9, 2022.
 - The Minister of Transport spoke with Alberta's Minister of Transportation on February 5 and 9, 2022.
 - The Minister of Intergovernmental Affairs, Infrastructure and Communities communicated with the Premier of Alberta on February 10 and 11, 2022.

- Ministers also engaged counterparts in other provinces:
 - The Minister of Transport spoke with Manitoba's Minister of Transportation and Infrastructure on February 12, 2022 concerning the Emerson port of entry.
 - The President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness spoke with the Minister of Public Safety and Solicitor General and Deputy Premier of British Columbia on February 5 and 13, 2022 to discuss protests in Victoria and how the federal government could assist if circumstances required, including mutual emergency legislation.
 - In support of his Cabinet colleagues and on behalf of the Prime Minister, the Minister of Intergovernmental Affairs, Infrastructure and Communities also communicated with the premiers of Nova Scotia (February 12, 2022), New Brunswick (February 12, 2022), Newfoundland and Labrador (February 12, 2022), and British Columbia (February 13, 2022) to ask about the current status and to offer federal support to help the provinces respond to the disruption and blockades.

Federal, provincial, and territorial (FPT) officials have also met on a multilateral and bilateral basis, including the following:

- Public Safety Canada officials shared information on the ongoing situation and the use of authorities. This included:
 - The FPT Crime Prevention and Policing Committee (CPPC) held an ad hoc meeting on February 7, 2022 at the deputy minister level.
 - The FPT CPPC Committee met at the assistant deputy minister level on February 1 and 11, 2022.
 - Discussions took place with assistant deputy ministers from Ontario, Manitoba, and Alberta on February 13, 2022, and with Ontario and Manitoba on February 14, 2022.
- Transport Canada officials gathered and shared information with PT transport ministries on PT tools/actions being considered to manage the convoys, including potential infraction and enforcement regimes under the respective jurisdictions' motor vehicle safety legislation. This included:
 - The ADM-level table of the Council of Ministers Responsible for Transportation and Highway Safety met twice, on February 4 and 8, 2022.
 - Calls took place with Alberta and Ontario on February 5, 2022, with Ontario on February 6 and 7, 2022, and with Alberta on February 7, 2022.

The Government of Canada also engaged Indigenous leaders regarding the blockades. For example, the Minister of Crown-Indigenous Relations spoke with the National Chief of the Assembly of First Nations, the President of the Inuit Tapiriit Kanatami, the President of the Métis National Council, the Grand Chief of Akwesasne, and the Grand Chief of the Manitoba Southern Chief's Organization.

The decisions on next steps and to consult premiers on the *Emergencies Act* was informed by all of the federal ministerial and senior official engagement with provinces since the onset of the crisis.

Consultations on the Emergencies Act with First Ministers

The Prime Minister convened a First Ministers' Meeting on February 14, 2022, to consult premiers on whether to declare a public order emergency under the *Emergencies Act*. The Prime Minister was joined by the Minister of Intergovernmental Affairs, Infrastructure and Communities, the Minister of Justice and Attorney General of Canada, and the Minister of Public Safety. All premiers participated.

The Prime Minister explained why the declaration of a public order emergency might be necessary and formally consulted premiers. The Minister of Justice outlined potential measures the Government of Canada was contemplating to take under the *Emergencies Act* to supplement the measures in the provinces' jurisdiction and respond to the urgent and unprecedented situation. The Prime Minister asked what measures could be supplemented through the *Emergencies Act* by using proportional, time-limited authorities.

Each premier was given the opportunity to provide his/her perspectives on the current situation – both nationally and in their own jurisdiction – and whether a declaration of public order emergency should be issued. A variety of views and perspectives were shared at the meeting. Some premiers indicated support for the proposed measures as necessary to resolve the current situation, noting they would be focused on targeted areas, time-limited, and would be subject to ongoing engagement. Other premiers did not feel the *Emergencies Act* was needed at this time, arguing that provincial and municipal governments have sufficient authority to address the situation in their respective jurisdictions. Some premiers expressed caution that invoking the *Emergencies Act* could escalate the situation.

While the views expressed at the First Ministers' Meeting were shared in confidence, premiers provided their perspectives in public statements following the First Ministers' Meeting.

- The Premier of Ontario said he supports the federal government's decision to provide additional tools to help police resolve the situation in the nation's capital. He said he expressed to the Prime Minister that these measures should be targeted and time-limited.
- The Premier of Newfoundland and Labrador said that he supports invoking the *Emergencies Act* on a time limited basis to bolster the response to deal with unacceptable behaviour within blockades, infringing on the rights of law-abiding Canadians.
- British Columbia's Minister of Public Safety and Solicitor General and Deputy Premier also said that the Province supported the use of the *Emergencies Act*, according to media reports.
- The Premier of Quebec said that he opposed the application of the *Emergencies Act* in Quebec, stating that municipal police and the Sûreté du Québec have control of the situation, and arguing that the use of the Act would be divisive.
- The Premier of Alberta tweeted that Alberta's Government is opposed to the invocation of the *Emergencies Act*, arguing that Alberta has all the legal tools and operational resources required to

maintain order. He also expressed concern that invocation of the *Emergencies Act* could escalate a tense situation.

- The Premier of Saskatchewan issued the following tweet: “The illegal blockades must end, but police already have sufficient tools to enforce the law and clear the blockades, as they did over the weekend in Windsor. Therefore, Saskatchewan does not support the Trudeau government invoking the *Emergencies Act*. If the federal government does proceed with this measure, I would hope it would only be invoked in provinces that request it, as the legislation allows.”
- The Premier of Manitoba issued a statement in which she noted that the situation in each province and territory is very different and she is not currently satisfied the *Emergencies Act* should be applied in Manitoba. She said that in her view, the sweeping effects and signals associated with the never-before-used *Emergencies Act* are not constructive in Manitoba, where caution must be taken against overreach and unintended negative consequences.
- The Premier of New Brunswick, the Premier of Nova Scotia, and the Premier of Prince Edward Island have also commented that they do not believe the *Emergencies Act* is necessary in their respective provinces, stating that policing services have sufficient authority to enforce the law.
- The premiers of Yukon, the Northwest Territories, and Nunavut provided feedback during the First Ministers’ Meeting, although have not issued public statements.

During the First Ministers’ Meeting, the Prime Minister emphasized that a final decision had not yet been made, and that the discussion amongst First Ministers would inform the Government of Canada’s decision.

There was further engagement with provinces following the First Ministers’ Meeting and prior to the Government of Canada’s decision to declare a public order emergency on February 14, 2022:

- The Office of the Prime Minister spoke with the Office of the Premier of British Columbia, as Chair of the Council of the Federation, before the Government of Canada’s decision was made on February 14, 2022 to offer briefings to premiers’ offices, and to explain the role of provinces and territories under the *Emergencies Act*.
- The Minister of Intergovernmental Affairs, Infrastructure and Communities communicated with his Quebec counterpart on the *Emergencies Act*. The Minister of Canadian Heritage and Quebec Lieutenant also connected with Quebec’s Deputy Premier and Minister of Public Safety and Quebec’s Minister of Finance, and officials from the Prime Minister’s Office engaged with the Office of the Premier of Quebec.
- The Minister of Intergovernmental Affairs, Infrastructure and Communities also engaged the Premier of Ontario and received feedback from the Premier of Saskatchewan.
- The Office of the Prime Minister spoke with the Office of the Premier of Ontario and the Office of the Premier of Newfoundland and Labrador on February 14, 2022 to explain the rationale and implementation of the *Emergencies Act*.

The Prime Minister considered all of the comments shared at the First Ministers' Meeting, as well as the many other sources of information and intelligence. He announced his intention to invoke the *Emergencies Act* with targeted, time-limited measures that would complement provincial and municipal authorities late in the day on February 14, 2022.

On February 15, 2022 the Prime Minister wrote to all premiers, outlining the reasons why the Government of Canada decided to declare a public order emergency and described the types of measures that would be available under the Act. The letter responded to issues raised during the discussion, particularly on whether the declaration of a public order emergency should apply nationally. For example, the letter emphasized that the measures would be applied to targeted areas; that measures would supplement, rather than replace, provincial and municipal authorities; that these are tools that could be employed by police of local jurisdiction, at their discretion; and that the Royal Canadian Mounted Police would be engaged only when requested by local authorities. The letter also emphasized the Government of Canada's strong interest in further engagement and collaboration with provinces and territories on these issues.

Next Steps

Consistent with the *Emergencies Act's* requirements, the Government of Canada is committed to ongoing consultation and collaboration with the provinces and territories to ensure that the federal response complements the efforts of their governments. Ongoing consultation will also be necessary should there be a need to modify or extend existing orders under the *Emergencies Act*.

Supported by their officials, Ministers engaged with their counterparts following the First Ministers' Meeting, and will continue to engage provinces and territories on an ongoing basis. They will be available to quickly respond to specific issues or situations, as they arise. More recent engagement includes:

- The Minister of Justice and Attorney General of Canada spoke with his Quebec counterpart on February 14, 2022 about the *Emergencies Act*.
- The Minister of Transport spoke with British Columbia's Minister of Transportation and Infrastructure on February 14, 2022 about blockades at border crossings. The Ministers discussed how the *Emergencies Act* can assist law enforcement.
- The Minister of Transport spoke with Nova Scotia's Minister of Public Works on February 15, 2022 and provided an overview of the emergency measures being taken under the *Emergencies Act*.
- On February 15, 2022, representatives from the Justice Minister's Office spoke with the Mayor of Winnipeg about the *Emergencies Act*. In a statement on February 15, 2022, the Mayor said he is grateful the federal government is "taking action to make additional tools available to assist with the quick and peaceful end to the unlawful occupations."
- A briefing for PT Deputy Ministers of Intergovernmental Affairs took place on February 15, 2022. A follow-up meeting is scheduled for February 17, 2022. FPT Deputy Ministers of Intergovernmental Affairs will continue to engage on these issues through regular and ongoing communications.

- A briefing is planned for February 16, 2022 for Assistant Deputy Ministers in provincial and territorial ministries of Public Safety, Transportation, the Solicitor General, and Intergovernmental Affairs.
- Collaboration through policing services will also continue. On February 15, 2022, the Interim Chief of the Ottawa Police Service stated that with new resources from policing partners and tools from both the provincial and federal governments, the Ottawa Police Service believe they now have the resources and power to bring a safe end to this occupation. Ottawa's Deputy Police Chief further commented that there is collaboration on the application of the *Emergencies Act* in Ottawa.
- There will be weekly engagement by the Minister of Public Safety with his provincial and territorial counterparts.

The Government of Canada will continue to gather and assess feedback through these ongoing engagements to assess the orders and regulations under the *Emergencies Act* and to ensure a coordinated and effective response on behalf of Canadians.

Annex:

- Letter from the Prime Minister to premiers

I would like to thank you for the productive conversation we had at the First Ministers' Meeting on February 14, 2022, where we consulted you on the declaration of a public order emergency under the *Emergencies Act*.

I recognize many Canadians, including myself, are frustrated with the pandemic, and with having our lives disrupted for two years. However, while some protestors have participated to demonstrate their fatigue and frustration with public health measures, this is no longer the motivation of many of the participants and organizers. We are seeing activity that is a threat to our democracy and that is undermining the public's trust in our institutions.

The Government of Canada believes firmly in the right to peaceful protest. But as we discussed, the activities taking place across the country have gone well beyond peaceful protest. These are organized events, and the situation is very volatile. While this may have started in Ottawa, we are seeing flare-ups in almost every jurisdiction.

We are facing significant economic disruptions, with the breakdown of supply chains. This is costing Canadians their jobs and undermining our economic and national security, with potentially significant impacts on the health and safety of Canadians. It is affecting Canada's reputation internationally, hurting trade and commerce, and undermining confidence and trust in our institutions.

Given that this situation is escalating, we each have to look at all possible measures to resolve the current challenges as quickly as possible. We believe that we have reached the point where there is a national emergency arising from threats to Canada's security. That is why the Government of Canada has determined it is necessary to take action to protect Canadians and safeguard our economy by declaring a public order emergency under the *Emergencies Act*.

The declaration of a public order emergency serves as authority for Canada to enact measures under paragraph 19(1) of the *Emergencies Act*. During our call, Minister Lametti highlighted six types of temporary, time-limited measures that could be adopted under the *Emergencies Act*:

1. Regulation and prohibition of public assemblies that lead to a breach of the peace other than lawful advocacy, protest, or dissent

What we are seeing in Ottawa and at the Ambassador Bridge are not lawful protests. Examples of measures could include: prohibiting minors from participating in an unlawful activity; prohibiting foreign nationals from entering Canada to participate in an illegal gathering; removing foreign nationals from Canada when appropriate; and adding to the list of offences that qualify as inadmissible criteria for entry into Canada.

2. Designating and securing places where blockades are to be prohibited

This could include geographically limited application at borders, approaches to borders, other critical infrastructure, or the City of Ottawa.

3. Directing persons to render essential services to relieve impacts of blockades on Canada's economy

This could include tow trucks and their drivers, for compensation.

4. Authorizing or directing financial institutions to render essential services to relieve impact of blockades

This could include regulating and prohibiting the use of property to fund or support the blockades.

5. Measures enabling the RCMP to enforce municipal by laws and provincial offences where required, and if asked by local authorities

All measures enacted pursuant to the *Emergencies Act* would be enforceable by municipal and provincial police services; the RCMP can contribute if asked to do so.

6. The imposition of fines or imprisonment for contravention of any order or regulation made under section 19 of the *Emergencies Act*

Our Government recognizes the importance of coordinating with provinces, territories, and municipalities to ensure the safety and security of Canadians. Targeted, time-limited, and proportional measures under the *Emergencies Act* would provide further support to police within your jurisdiction. This is not about displacing provincial or territorial jurisdiction, or superseding measures you have in place. This is about supplementing measures in your jurisdiction with additional legal authorities to give local law enforcement the maximum leverage to be able to uphold the rule of law and deal with the situation we are facing. We are not proposing to have the RCMP or any other authority supplant local law enforcement; rather, we wish to expand the range of tools available to law enforcement at all levels. We want to ensure that the federal response complements the efforts that your governments and municipalities continue to make to bring stability to the nation. The federal government continues to stand by to assist with resource asks, if and when required, to deal with the current situation.

I appreciate the views you shared yesterday on our call and I can assure you that they have been taken into account in the approaches we are taking, and will also inform the consultation report which will be tabled with the motion confirming the declaration. In addition to our discussions to date, briefings and discussions amongst officials in the coming days will also be useful. Consultation and coordination will continue to be essential on implementation which is consistent with the requirements of the *Emergencies Act* for consultations.

I would like to thank you, once again, for the discussion we have had on the *Emergencies Act* and I look forward to continue to get your perspective through this ongoing, consultative process. The federal government will continuously monitor and assess the implementation of the powers and authorities under the *Emergencies Act*, and stands ready to be able to respond to any need that emerges from premiers. The Minister of Public Safety will also have regular updates with his counterparts. Please follow up with me, or with Ministers Lametti, Mendicino, or LeBlanc, should you wish to discuss these matters further.

I am forwarding, for their information, a copy of this letter to David Lametti, Minister of Justice and Attorney General of Canada; Chrystia Freeland, Deputy Prime Minister and Minister of Finance; William Sterling Blair,

President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness; Marco E. L. Mendicino, Minister of Public Safety; and Dominic LeBlanc, Minister of Intergovernmental Affairs, Infrastructure and Communities.

Federal/Provincial/Territorial (FPT) Ministers Responsible for Emergency Management Meeting

Issue: FPT Ministers Responsible for Emergency Management Meeting – March 17, 2022

Proposed Response:

- **In Canada, emergency management (EM) is a shared responsibility across all levels of government.**
- **On March 17, FPT Ministers responsible for Emergency Management met virtually for a very productive discussion. We shared lessons learned and discussed our commitment to advancing shared emergency management priorities aimed at strengthening Canada's preparedness for emergencies.**
- **Together, we endorsed the 2021-22 FPT Emergency Management Strategy Interim Action Plan. This Action Plan details shared priorities and activities in emergency management, and outlines concrete steps that our governments will take over the next year to strengthen preparedness and build greater resilience to disasters.**
- **At our meeting we also discussed the importance of regular dialogue with Indigenous peoples on emergency management priorities, recognizing the important role they play in keeping their communities safe from disasters.**

- **We also announced the release of the Temporary National Coordination Office's report on recommendations for advancing a Public Safety Broadband Network for Canada and discussed the National Public Alerting System; Canada's Flood Risk Plan; and the review of the Disaster Financial Assistance Arrangements Review.**

BACKGROUND:

On March 17, 2022, Federal, provincial and territorial ministers responsible for emergency management met virtually today to approve the release of two important publications and to reflect on the progress made to advance shared emergency management priorities to bolster resilience and response capabilities in Canada.

The meeting was co-chaired by the Honourable Bill Blair, President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness, the Honourable Mike Farnworth, Minister of Public Safety and the Solicitor General for British Columbia, and the Honourable Richard Mostyn, Minister of Community Services for the Yukon.

Ministers discussed the need for concrete actions to address the increasing frequency and severity of emergency events. Ministers also reiterated the importance of working together and with partners in their respective jurisdictions to better identify, plan for and reduce the impact of emergencies in order to build collective resilience going forward.

Ministers agreed to meet again in late Fall 2022.

Emergency Management Strategy for Canada Interim Action Plan

At the meeting, ministers endorsed and released the 2021-22 Federal, Provincial, and Territorial Emergency Management Strategy Interim Action Plan.

The Interim Action Plan details concrete steps that FPT governments will take over the next year to strengthen preparedness and build greater resilience to disasters which will collectively advance outcomes defined within the Emergency Management Strategy for Canada. The Interim Action Plan builds off the momentum created by the Strategy and details shared priorities and activities across all four pillars of emergency management: prevention/mitigation, preparedness, response, and recovery. It sets the stage for future plans to be built on sustained dialogue, active participation and ongoing discussions among all partners.

Ministers recognized the importance of working with Indigenous leadership within their provincial and territorial jurisdictions with respect to their emergency management needs. They discussed the importance of regular dialogue with Indigenous peoples that respects their roles and responsibilities, ensuring that ministers and their officials involve Indigenous leadership in setting emergency management priorities.

Advancing a Public Safety Broadband Network for Canada

Ministers announced the release of a report entitled A Public Safety Broadband Network for Canada: A Canadian Approach to Implementation of the Next Generation of Public Safety Communications.

The report, developed by the Public Safety Broadband Network (PSBN) Temporary National Coordination Office, includes recommendations for the development of an interoperable PSBN for Canada that meets the needs of the public safety community.

A PSBN is a secure high-speed wireless data communications network. It can be used by emergency responders and other public safety personnel to communicate with each other in emergency situations.

Ministers also expressed their support for continued commitment to collaborate across all orders of government, industry, and first responder end users to advance a PSBN that meets the diverse expectations and interests of stakeholders.

National Public Alerting System

The National Public Alerting System (NPAS) is a multi-channel federal, provincial, territorial (FPT) all-hazards initiative that provides emergency management organizations throughout Canada with a standard alerting capability to rapidly warn the public of imminent or unfolding threats to life.

Through the FPT Senior Officials Responsible for Emergency Management (SOREM), PS works to ensure that NPAS aligns with the needs of FPT stakeholders in terms of policy, operational and technical requirements. FPT governments determine who may issue alerts within their jurisdiction. Alerting authorities decide when to issue an emergency alert, the alert type, the message content, its duration and geographical areas affected. Federally, emergency alerts are only issued by Environment and Climate Change Canada.

Ministers underscored the importance of the National Public Alerting System to the safety and security of Canadians. They reaffirmed their commitment to this important emergency management capability by endorsing priorities to support the ongoing sustainability and enhancement of the system. These priorities include exploring alternative funding and governance models and assessing future needs, while ensuring the seamless ongoing operation of the system.

Canada's Flood Risk Plan

Flooding continues to be the most frequent and costly natural disaster facing Canadians, causing over \$1 billion in direct damage to homes, property and infrastructure annually. Ministers received an update on the Task Force on Flood Insurance and Relocation. The task force is examining options for both a national flood insurance program for residents of areas at high risk of flooding and measures for potential relocation. Its report is expected to be available in Summer 2022.

Ministers also discussed the new Flood Hazard Identification and Mapping Program, which will help to inform decision-making in support of flood mitigation, climate adaptation initiatives and in building resilient infrastructure.

The Government of Canada is investing \$63.8 million over three years for the Flood Hazard Mapping and Identification Program by completing flood hazard mapping of areas at higher risk of flooding in partnership with provinces and territories (PT). Natural Resources Canada (NRCan) is leading the collaboration with PTs to complete flood maps for higher-risk areas, in partnership with Environment and Climate Change Canada as well as Public Safety Canada.

Emergency Management Exemplary Service Award

Ministers launched the next call for nominations for the Emergency Management Exemplary Service Award. This award is a partnership between provincial, territorial and federal governments and recognizes recipients who have achieved excellence in their professional fields or volunteers across several categories in emergency management and search and rescue. The nomination period will be open from March 17, 2022 to July 1, 2022.

Disaster Financial Assistance Arrangements Review

Ministers also discussed the scope of the federal government's Disaster Financial Assistance Arrangements Review. Ministers emphasized the importance of financial assistance in meeting the needs of Canadians impacted by disasters and reaffirmed their commitment to a collaborative process, including meaningful provincial and territorial engagement and involvement.

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Standing Committee on Public Safety and National Security (SECU)
Study: Occupation of Ottawa and the Federal Government's Response to the Convoy
Blockades
February 25, 2022

QUESTION

(1440)

Ms. Raquel Dancho: I just have less than a minute left. Could you provide for the committee the list of emergency powers that the RCMP used?

D/Commr Michael Duheme: I don't have a specific list with me right now but I can tell you that I know with the perimeter being erected, when we put the perimeter up, we did intercept people who tried to come in with gas or medical supplies but to quantify everything that was done under the act—nationally at that—I don't have those numbers.

Ms. Raquel Dancho: Can you provide that list? It is important that the committee and Parliamentarians are aware of what specific emergency powers the RCMP used.

The Chair: Good, thank you very much.

Ms. Raquel Dancho: Could he just answer my question, Mr. Chair?

The Chair: We're out of time but if he can give a yes or a no, that will be fine.

D/Commr Michael Duheme: I can look into it to see if it's do-able.

Ms. Raquel Dancho: Thank you.

RESPONSE

To address the crisis in Ottawa, the RCMP, Ontario Provincial Police, and Ottawa Police Service (OPS) established an Integrated Command Centre to improve collaboration, exchange information, and coordinate investigations and disruption activities. The RCMP was involved in the following three *Emergency Measure Regulations*, through operations led by the Ottawa Police Service:

- First, law enforcement designated a secure perimeter throughout the National Capital Region to support their operation, thereby refusing entry to individuals travelling to the illegal occupation with the intent of participating;
- Second, supporting an illegal assembly was also prohibited, and law enforcement had the authority to either deter or arrest individuals who continued to supply fuel, food, blankets, and shelter material to an area of an unlawful assembly; and,
- Third, law enforcement used these new powers to compel individuals to provide essential goods and/or services for the removal, towing, and storage of vehicles and equipment.

The RCMP also used powers under the *Emergency Economic Measures Order*. With the Act in effect, the RCMP provided relevant financial information to financial institutions, who then had the onus to determine which financial products could and should be frozen. Law enforcement information provided to financial institutions included the identities of

individuals who were influencers in the illegal occupation in Ottawa, and owners and/or drivers of vehicles who did not want to leave the area. At no time did the RCMP disclose any information on donors or on those who purchased merchandise.

In particular, RCMP enforcement action culminated in:

- Financial institutions freezing at least 257 accounts, which included bank, corporate accounts, and credit cards;
- 57 disclosures (18 individuals and 39 vehicles) were made to entities, as defined in section 3 of the Emergency Economic Measures Order, which included individuals and owners or drivers of vehicles in the blockades; and
- the disclosure of 170 Bitcoin wallet addresses.

National border blockades in Emerson, Manitoba; Coutts, Alberta; Windsor, Ontario; and, Surrey, British Columbia were all successfully managed and resolved in advance of the announcements related to the *Emergencies Act*.

The RCMP continues to collate all information related to the invocation of the *Emergencies Act* and the events that led up to it, on a national scale. As such, some data may fluctuate.

In the coming months, the RCMP is committed to participating in the legislated *Emergency Act* inquiry, which will ensure an authoritative common understanding of how the Act was utilized.

Standing Committee on Finance (FINA)
Study: Invocation of the Emergencies Act and related measures
Appearance Date: March 7, 2022

QUESTION ONE

(1645)

Mr. Gabriel Ste-Marie:

Thank you, Mr. Chair.

Mr. Beaudoin, I'm going to stay on the topic of cryptoassets. You said earlier that protesters received support in the form of bitcoin—a cryptoasset—to the tune of more than one million dollars Canadian.

Were you the one who followed the money that funded the occupation in Ottawa? If so, did those cryptoassets come mainly from Canada or foreign countries?

Supt Denis Beaudoin:

Staff examined the source of the funds, but I don't have that information with me.

Mr. Gabriel Ste-Marie:

If you could get back to us with that information, I would certainly appreciate it.

RESPONSE

As there is an ongoing criminal investigation and civil lawsuits, the RCMP is not able to provide any information about the source of the crypto-asset funds at this time.

The RCMP is committed to participating in the mandated reviews of the declaration of the *Emergencies Act* and to ensuring an authoritative common understanding of how the Act was utilized is available.

QUESTION TWO

(1650)

Hon. Ed Fast:

Mr. Arcand, I understand you testified that the freezing of accounts under the Emergencies Act was intended to encourage the influencers and the leaders of the protest to stand down. How many of the key leaders and influencers of the protest actually did stand down as a result of the banks freezing their accounts or the threat of their accounts being frozen?

A/Commr Michel Arcand:

To answer your question directly, I don't have the specific numbers. The initial number that was provided to the banks on entities that we know were influencers, which came directly from the Ontario Provincial Police and the Ottawa Police Service, was approximately 14 or 15.

As for how many left, I don't have those numbers.

Hon. Ed Fast:

Could I have you provide the committee with that information? It is critical because it goes to the very efficacy of the powers that were exercised under the Emergencies Act. What we want to know is whether the Emergencies Act actually achieved what it was intended to, which was to get the influencers and the leaders to back down.

RESPONSE

The additional powers allowed under the Emergency Measures Economic Order played a role in resolving an unprecedented, urgent, and rapidly evolving situation. In particular, the information the RCMP provided to financial service providers helped incentivize many involved in the blockade of downtown Ottawa to leave peacefully. This minimized the risk of a violent end to the blockades by depriving those engaged in prohibited activities of an access to funds.

The RCMP is currently collating information related to the invocation of the *Emergencies Act* and the events that led up to it. At this time, we have no additional data or information to share.

QUESTION THREE

(1725)

Ms. Julie Dzerowicz:

In my final 30 seconds, now that we've enacted and revoked the Emergencies Act—this is along the lines of Mr. Blaikie's questioning—if you had to make some recommendations, what have we learned that you might add to your...?

If you were consulted again, would you have added something, or would you have left it exactly as in your recommendations to our government around the Emergencies Act and the measures that you needed to bring things under control?

A/Commr Michel Arcand:

It's hard to pinpoint exactly where we could have improved. One area of improvement, as explained by Superintendent Denis Beaudoin, is to have more precision on how we could freeze accounts and how we were going to be acting if it were for a longer period. There could probably be more guidance for the financial institutions.

To go back to exactly what area we we need to adjust, we will take some time to reflect on this and come back.

RESPONSE

An initial takeaway on what could have been improved was identified by Superintendent Beaudoin during the March 7 appearance. The RCMP would have benefited from more precise guidance on the freezing of accounts and detailed direction had the situation unfolded for a longer period. Conversely, greater guidance for financial institutions would have also been helpful.

The RCMP has begun to proactively identify and address lessons learned from the invocation of the *Emergencies Act* and the events that led to it. As part of this, efforts are underway to collect information and conduct a thorough analysis.

The RCMP is committed to participating in the mandated reviews of the declaration of the *Emergencies Act* and to ensuring an authoritative common understanding of how the Act was utilized is available.



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
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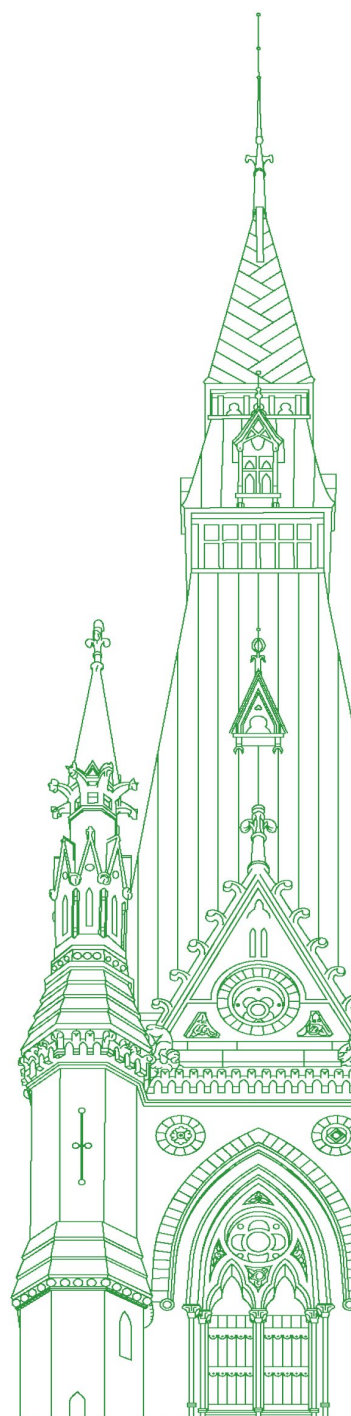
Standing Committee on Public Safety and National Security

EVIDENCE

NUMBER 010

Friday, February 25, 2022

Chair: The Honourable Jim Carr



Standing Committee on Public Safety and National Security

Friday, February 25, 2022

● (1235)

[English]

The Chair (Hon. Jim Carr (Winnipeg South Centre, Lib.)): Good morning and good afternoon, everybody, wherever you might be in this vast and beautiful land.

I call this meeting to order.

Welcome to meeting number 10 of the House of Commons Standing Committee on Public Safety and National Security.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website, and the webcast will always show the person speaking rather than the entirety of the committee.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the Board of Internal Economy's guidelines for mask use and health precautions.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer.

When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. I remind you that all comments by members should be addressed through the chair. With regard to a speaking list, the committee clerk will advise the chair on whose hands are up, to the best of his ability, and we will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

Pursuant to Standing Order 108(2) and the motions adopted by the committee on Tuesday, February 15, 2022, and Thursday, February 17, 2022, the committee is commencing its study on the occupation of Ottawa and the federal government's response to convoy blockades.

Please note that, unfortunately, due to current operations, the Ontario Provincial Police and the Ottawa Police Service were not available to appear at this time.

With us today by video conference, we have the Honourable Marco Mendicino, Minister of Public Safety. From the Canada Border Services Agency, we have John Ossowski, president; Scott Har-

ris, vice-president, intelligence and enforcement branch; and Denis Vinette, vice-president, travellers branch. From the Department of Public Safety and Emergency Preparedness, we have Rob Stewart, deputy minister, and from the Royal Canadian Mounted Police, we have Brenda Lucki, commissioner.

Welcome to all.

Minister, thank you very much for making yourself available on short notice. We know how intense a time this has been for you.

Welcome to the committee, sir. Please proceed with your opening remarks.

Hon. Marco Mendicino (Minister of Public Safety): Thank you, Chair and honourable committee members.

First, I would like to acknowledge that I'm joining you from the indigenous territory of the Mississaugas of the Credit.

I want to thank you for the invitation to speak today about the steps our government has taken to address a unique and extraordinary situation in Canadian history: the illegal blockades and occupations of the last month.

I appreciate your contributions to the thoughtful exchanges we've had in the House of Commons on the invocation of the Emergencies Act. The emergency and the Emergencies Act have now been revoked, yet the debate will continue.

Today, I'm pleased to be here to outline how the unprecedented events of the past few weeks necessitated decisive federal action.

[Translation]

Over the past few weeks, we saw illegal blockades at borders and vital trade corridors, that impacted our economy, industry, and the jobs and livelihoods of many hardworking Canadians. This was also clearly a public order emergency. We saw illegal protests taking place in our capital, shutting down streets and businesses, with people feeling their sense of safety has been shattered.

We worked closely with provinces and territories to help get the situation under control, but, as time passed, it became clear that authorities needed more tools to uphold and enforce the law and protect Canadians. It was an absolute necessity that we enacted the emergency measures needed to keep Canadians safe, albeit reluctantly, in a way that allowed immediate and time-limited action for as short a time as possible. And that is what we did, to ensure we did not abandon Canadians, or our law enforcement, in a time of great need.

As you know, earlier this week, after careful consideration, we confirmed that the situation was no longer an emergency, and we ended the use of the Emergencies Act. We remain confident that existing laws and by-laws are now sufficient to protect the public, and we will continue to be there to support authorities if and when needed.

● (1240)

[English]

With the enactment of the Emergencies Act, law enforcement finally had the additional tools it needed to manage this extremely challenging situation. It was indeed a measure of last resort, but it was a necessary one. It was instrumental in ending the illegal blockades.

First, it allowed the exceptional and temporary measures to prohibit public assembly leading to a breach of the peace. It clearly designated protected areas around our critical infrastructure, like border crossings and the parliamentary precinct. This meant that the police could protect [Technical difficulty—Editor].

The Chair: Minister, we have lost your sound. We can't hear you. Is it possible that you hit the mute button on your headset?

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): It's not that mute button. It's this mute button on the headset, on the cord.

The Chair: Can you hear us, Minister?

You can. We still can't hear you.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Mr. Chair, the minister could unplug his headset and plug it back in. That's often tried and true. Maybe that would help.

The Chair: Minister, do you have a staffer nearby who might be able to have a look at it?

Mr. Ron McKinnon: Mr. Chair, perhaps we should suspend for five minutes.

The Chair: Well, let's give him a minute.

I'm looking forward to next week, when we'll be together around a table.

Mr. Dane Lloyd: Mr. Chair, I was just doing an interesting test here. When you hit this button [Technical difficulty—Editor] you can't hear me talk, even though it doesn't look like I'm muted on the screen. Perhaps the minister could try that.

Hon. Marco Mendicino: Can you hear me now?

The Chair: We hear you loud and clear.

That's great. Give that staffer a raise.

The floor is yours, Minister.

Hon. Marco Mendicino: Thank you, Chair, and my apologies for the technical interruption. I'll pick up where I left off.

Second, it prohibited bringing children to an illegal blockade. I know that many of you were distressed, as I was, at the images of children being placed in the middle of blockades.

Third, it helped police go after the money. The unexpected and international use of crowdfunding platforms was a unique challenge posed by these blockades. Invoking the Emergencies Act helped us to meet those objectives.

Finally, it allowed the RCMP and other forces to quickly come together and mobilize to be integrated into operations led by police. Last weekend police from across the country helped end the illegal blockade in Ottawa. Some observers have said that it could have taken four to five days to get them all sworn in without the Emergencies Act.

Put simply, the Emergencies Act worked. As we saw in Ottawa, these new tools were used to great effect, allowing police to reclaim occupied areas of the downtown, remove trucks and other debris, move protesters out and give Ottawans their city back.

● (1245)

[Translation]

Here are a few caveats.

First, I want to assure you that the tools it allowed were exceptional, time-limited, and protected by the safeguards enshrined in our charter.

Second, I want to underscore that invoking the Emergencies Act did not give the federal government the authority to direct the police services of any jurisdiction.

And finally, I want to be clear that these additional tools for law enforcement were there to supplement existing tools, only to be used if and when there was an operational need as determined by police.

I'll remind colleagues that a joint committee of parliamentarians will now be struck, to review the declaration of emergency. That will be followed by an inquiry into the circumstances that led to the act being invoked, how we got there and why it was required.

[English]

I want to close by expressing my thanks to the RCMP and law enforcement across the country for their swift and professional work in ending the illegal blockades and restoring public safety. With order restored, the work continues under our existing laws. As former minister Perrin Beatty said when introducing this law in 1988, the Emergencies Act enables the federal government “to fulfil its constitutional responsibility to provide for the safety and security of Canadians during national emergencies”.

Keeping Canadians safe is a responsibility that we take very seriously. It is one we will always fulfill.

I look forward to your questions and comments.

The Chair: Thank you very much, Minister.

I'll now open the floor to questions.

First up in this first round is Ms. Dancho, who I believe is sharing her time with Mr. Lloyd.

Go ahead, Ms. Dancho.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Chair. I may be using the entire six minutes.

I'd like to thank all the witnesses for being here today.

Thank you, Minister, for making the time for these important questions on behalf of the public.

Minister, I want to talk a bit about the thresholds that have been met, that your government has made the case have been met, to invoke this extraordinary power, the Emergencies Act. As you know, the threshold would include a threat to the security of Canada, which includes things like espionage, sabotage and, specifically, the support of a threat or the use of serious violence.

That's very much in line with much of your opening remarks, which I'll just quote from. You said this in French, but I'll be reading this from your English version. You say that it was “an absolute necessity that we enacted the emergency measures needed to keep Canadians safe,” and that the invocation of the Emergencies Act “sent a clear message to those who decided to participate in, or support, these illegal protests”, which included “impacting the safety of the public”. You also said, “We will not yield in our responsibilities to Canadians—we must inspire their confidence that their safety is protected.”

Minister, do you believe our safety was in jeopardy with the protests in Ottawa?

Hon. Marco Mendicino: Well, certainly the size, scope and scale of the illegal blockades at a number of borders and ports of entry, as well as the illegal occupation in Ottawa, met the threshold under the Emergencies Act. That advice and the decision to invoke it were informed by non-partisan professionals, including the commissioner, who's with us today, as well as other branches of law enforcement, so yes, Ms. Dancho, we believe the threshold was met under the Emergencies Act.

Ms. Raquel Dancho: You believe there was a serious threat of violence to the national security of Canada.

On February 17, you also said, “This is a serious situation. We must resist the temptation to dismiss these as isolated incidents.” You went on to say, “At the core of the movement is anger, animosity and...violence.”

Referring to protesters who would like to come to Ottawa, you were saying to them, “You may be tying yourself to dangerous criminal activity.” You also, of course, insinuated, or you said, and I quote, that several of the individuals at Coutts had “strong ties to a far-right extreme organization with leaders who are in Ottawa”.

Again, you were saying “strong ties”. Do you believe there was a threat to public safety in Ottawa?

● (1250)

Hon. Marco Mendicino: To be clear, Ms. Dancho, those aren't just my insinuations. Hundreds of charges and arrests have been carried out by law enforcement throughout the course of the illegal blockades, not only in Ottawa but also in Alberta and British Columbia.

I would point out, Ms. Dancho, that those charges are very severe. They include conspiracy to commit murder, which carries with it a life sentence. They're not merely the insinuations of me or the government. In fact, a number of very serious and grave criminal investigations have been carried out and are ongoing.

Ms. Raquel Dancho: Right. Specifically, though, you are making the argument that the threshold to national security is a threat to public safety. You tied the extremists at Coutts to the protests in Ottawa. Do you have evidence that there was the threat in Ottawa that you saw at Coutts?

Hon. Marco Mendicino: Again, just to clarify, those comments related to a number of public reports that had been issued at the time, tracking the movements of some in Ottawa to other border points, including in Alberta.

I would just point out that from the very outset of the illegal blockade, a number of organizers and so-called leaders of the purported freedom convoy had made a number of profoundly concerning and extremist statements calling for the overthrow of the government, through violence if necessary. Some of the leaders had been quoted as saying, again very publicly, that if necessary, it would be through the use of bullets and other similar force.

Those are all reported, documented and catalogued in the public domain, Ms. Dancho.

Ms. Raquel Dancho: You believe there was a serious national security threat to public safety. I know the Prime Minister also said, when he was invoking the act that first day, that this was “about keeping Canadians safe” and that the government would “not allow illegal and dangerous activities to continue”. From your remarks and from the Prime Minister's remarks, you believe the threshold for invoking the act for the purpose of... You believe there was a national security threat to public safety.

Minister, I walked to West Block for two weeks past these protests. If there was such a threat to public safety, how could you have allowed members of Parliament to walk by that protest every day?

Hon. Marco Mendicino: I would say a couple of things in response to that, Ms. Dancho.

First, as you know, the Sergeant-at-Arms, in coordination with the Parliamentary Protective Service and the RCMP, did offer additional protection for parliamentarians, as well as for staff who were working on the Hill.

The other thing I would say, Ms. Dancho, respectfully, is that your experience was not the experience of the many thousands of Ottawans who were laid to siege as a result of—

Ms. Raquel Dancho: Minister, I apologize, but just to be clear, you were saying the extraordinary high thresholds of these incredible, never-before-invoked emergency powers met the threshold that this was a national public safety security issue, and you connected it to the goings-on at Coutts. You're insinuating that this was happening in Ottawa. That's the main argument that you've made for the purpose of invoking this act, yet I walked every single day for two weeks past these protests.

You can imagine the anxiety that this causes to parliamentarians, to Ottawa staff, and we can go on, yet I don't understand how you could be saying on one hand there are all these strong ties and this was a national emergency for public safety, while I walked by these protests every day. It just doesn't really add up at all.

The Chair: I'm sorry, Minister. You have only 10 seconds left.

Hon. Marco Mendicino: First, I would say it's not an insinuation. We got the advice from our law enforcement that we met the threshold.

Ms. Raquel Dancho: I can't believe you put us in danger in that way, to be honest. That seems very irresponsible to me.

Hon. Marco Mendicino: Secondly, Ms. Dancho, respectfully, there were Ottawans who were subjected to intimidation, harassment and threats of rape, and those were all supported by—

Ms. Raquel Dancho: How could we possibly have been allowed to walk by that every day?

The Chair: I'm sorry. The time has elapsed on this round. We now move to Mr. Noormohamed.

Sir, you have six minutes. Whenever you are ready, go ahead.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair, and thank you, Minister, for joining us.

First, I'd like to ask you a question following on Ms. Dancho's question, because I think it's important for the public to be aware of the facts of the matter.

Who is responsible for the safety and security of parliamentarians? Is it the Minister of Public Safety or is it the Parliamentary Protective Service?

Hon. Marco Mendicino: The responsibility for parliamentarians and their staff and everybody who works on the Hill is principally with the Sergeant-at-Arms and the Parliamentary Protective Service, but there are supports that are offered by the RCMP.

• (1255)

Mr. Taleeb Noormohamed: Thank you.

Minister, we all saw what happened in Ottawa. Certainly, my experience and the experience of other members of Parliament was clearly very different from Ms. Dancho's experience in terms of what we saw and what we heard when we were crossing the street.

Twenty-one days is a really long time for the citizens of Ottawa. There are a lot of folks who wonder why the federal government didn't step in earlier.

Why did it take 21 days for the federal government to ultimately have to step in?

Hon. Marco Mendicino: First, I would point out, Mr. Noormohamed, that the government had stepped up quite clearly and concretely with supports to the Ottawa Police Service; we had sent three reinforcements. In fact, I believe—and the commissioner can confirm—that we probably sent more Mounties to the Ottawa Police Service, to Ottawa, than we did anywhere else, and that was something we were quite content to do.

If you'll permit me, Mr. Noormohamed, I'd like to come back to Ms. Dancho's question, because it really quite mischaracterizes the essential nature of the illegal occupation we saw in Ottawa. There may have been some who were able to make their way through, but I assure you and everyone on the committee, and all Canadians, that what was occurring in Ottawa was a sustained and flagrant breach of the law that laid to siege the community and neighbourhoods. Families could not drop off their kids to daycare; seniors could not get around for lack of access to transportation; women were threatened, harassed and assaulted.

These are not just the insinuations of the governments. These facts are borne out by the criminal investigations that ensued, carried out independently by law enforcement, leading to charges under the Criminal Code, which, as you know, Mr. Noormohamed, is the most serious statute that one can be charged under.

It's very important that we are clear about the facts and are clear about the record. The record and the facts clearly demonstrate that Ottawa was subjected to an illegal occupation, which was one of the main reasons we had to invoke the Emergencies Act.

Mr. Taleeb Noormohamed: Minister, does it concern you, then, on the basis of what you've said, that there are people who continue to seek to minimize this as a peaceful protest, a minor inconvenience and the price of living in a democracy?

What would you say in response to that for people who don't see the threat that you may have seen and who don't see organizers such as Pat King, who have promoted violence in the past, as part of the problem? What would you say to Canadians who feel that way?

Hon. Marco Mendicino: I would tell anyone who believes that about what was occurring outside of Parliament or at the borders to look beyond their own individual experiences, to look at the facts and the record, and to take a look at the devastating impacts that were visited upon Canadians.

For example, in Windsor, as a result of an illegal blockade to stop the flow of essential supply chains, Canadians were laid off; plants were shut down and questions were raised as to Canada's capacity to carry on the roughly one-quarter of our daily trade that we do with our most important trading partner, the United States.

Take a look at what happened in South Surrey, B.C., Mr. Noor-mohamed, in your province, where there was an effort by those participating in the illegal blockade to use an armoured vehicle to crash through a barrier that had been put up by the RCMP to control and to bring back to order the situation at the Pacific Highway port of entry. Take a look at what happened in Manitoba, in Ms. Dancho's home province, where for weeks and weeks individuals have been carrying on an illegal protest and occupation outside of the legislature there.

We can't bury our heads in the sand and trivialize and minimize what has gone on here. The size and the scope and, frankly, the simultaneous nature of these blockades that so challenged law enforcement and their ability to use existing authorities took us to the decision to invoke the Emergencies Act, but it worked.

Mr. Taleeb Noormohamed: I know I'm running short on time, but I have a question for Commissioner Lucki based on what you've just said, Minister. I have 30 seconds left.

Canadians have been asking why the RCMP, the national police force, did not go in there and clear everything out on the first day in Ottawa.

Commissioner Lucki, can you tell us why the RCMP was not in a position to do that?

• (1300)

Commissioner Brenda Lucki (Royal Canadian Mounted Police): The Ottawa Police Service are the police of jurisdiction, and if they need assistance, under the Ontario Police Act, their first request should go to the Ontario Provincial Police, which is responsible for assisting any municipalities within the province of Ontario. That would be their first ask.

Given the scope, we did assist on the first weekend. We offered our assistance and we honoured any requests from OPS for additional resources or expertise.

The Chair: Minister, we're at the top of the hour, but given the technical delay we had earlier, can I ask on behalf of the committee if you are prepared to stay longer so that we can get through the first round of questioning?

Hon. Marco Mendicino: Of course.

The Chair: Thank you very much.

Ms. Michaud, it's over to you for six minutes.

[Translation]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

My thanks to the minister and the witnesses for being here. We are grateful that they could quickly make themselves available.

Mr. Minister, on February 14, the 18th day of the siege of Ottawa, your government indicated that it would be invoking the Emergencies Act. The next day, February 15, Quebec's National Assembly unanimously passed a motion asking your government to not enforce the act on Quebec territory. In Quebec, there was no major problem that would justify such enforcement, nor was there anywhere else in the country. The blockades in Windsor, Emerson and Coutts were dismantled in large part by local police forces. The Prime Minister even said that the emergency measures would be geographically targeted. Essentially, the only crisis was in Ottawa. But when we saw the order, we realized that the act would apply everywhere in Canada.

Why did you not respect the will of Quebec, and actually of other provinces that made the same request?

I will also add that believing that there might be another demonstration does not seem to me to be a valid reason for invoking the act.

Hon. Marco Mendicino: Thank you for your question.

Yes, we consulted with the Quebec government, and with municipal leaders. I had a very constructive telephone conversation with the mayor of Gatineau. She expressed some concerns about the illegal blockades.

As for your question about the way in which the act operates, yes, when the government decides to invoke it, it applies everywhere. However, the measures described in the declaration went into effect only where they were needed. Police forces can use all those measures in a very targeted and time-limited way, always in compliance with the charter.

Ms. Kristina Michaud: Thank you, Mr. Minister.

I understand that, but Quebec had expressed its view that it was not necessary to go that far. Furthermore, everything leads us to believe that the siege of Ottawa could also have been dismantled with normal legal and legislative tools.

You invoked the act on day 18, yet you have basically nothing to show that you tried anything else in the first 17 days before you came to this measure of last resort. The evidence is that, when people were begging you to act on behalf of the residents and business people in downtown Ottawa, you were telling us over and over again in the House that it was not in your jurisdiction.

So when did you learn that a large convoy was heading for downtown Ottawa and, as of that moment, what steps did you take?

Did you receive any internal briefings or legal opinions that gave you options other than invoking the Emergencies Act?

If so, could you provide them to the committee?

• (1305)

Hon. Marco Mendicino: Thank you for your question.

The government adopted many measures after the blockades began at the end of January and the beginning of February. For example, we made a number of commitments with the City of Ottawa. I talked with Mayor Watson a number of times, as did some of my government colleagues, including Minister Blair. The RCMP commissioner spoke with the former police chief a number of times and she has remained in contact with the police.

With those processes and those commitments with the City of Ottawa, we were able to provide additional resources, not once, not twice, but three times. On three occasions, the RCMP sent reinforcements into the field to help resolve the situation that was distressing for the residents of Ottawa.

The government therefore took a number of steps during the blockades before deciding to invoke the Emergencies Act.

Ms. Kristina Michaud: Thank you.

I'll come back to the RCMP and the additional support later. First, I'd like to ask you a question.

I feel that your government perhaps politicized or exploited the crisis. The major police operation that we saw last weekend and that cleared downtown Ottawa shows that it was not the Emergencies Act that did the job, it was actually a well-coordinated police operation.

When the vote was held on Monday evening, the downtown had been cleared and there was nothing to justify the act being passed. Nothing led us to believe that the country's territorial integrity was being threatened or that there was a national crisis. Your government threatened parliamentarians that you would make it into a confidence vote if they opposed it. A few hours later, you revoked the act yourselves.

So I wonder what changed between the time the vote was held on Monday evening and the time you decided to revoke the act. To my knowledge, downtown Ottawa was clear at both those times and nothing indicated that we were in a crisis situation.

[English]

The Chair: I'm sorry, Ms. Michaud. Time is up.

I want to give the minister 10 seconds to respond.

[Translation]

Hon. Marco Mendicino: As a very quick answer, the police forces used all the measures in a very effective, very targeted, and time-limited way.

[English]

The Chair: Thank you.

Mr. MacGregor, you have the last slot in the first round for six minutes. Whenever you are ready, please proceed.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you so much, Chair.

Thank you, Minister Mendicino, for being here. I just want to walk our committee through a bit of a timeline. We started to see

the occupation of Ottawa on the weekend of January 28 and 29. About a week later, on February 6, we saw the City of Ottawa declare a local state of emergency. A state of emergency was declared by the Province of Ontario on February 11 and, at the time, Conservative Premier Doug Ford said, "We are now two weeks into the siege of the city of Ottawa. I call it a siege because that's what it is. It's an illegal occupation. This is no longer a protest." Of course, the federal government declared a public order emergency on February 14.

Minister, my very specific question to you is this. Before February 14, when your government made the declaration, did you or the Prime Minister receive any requests from the City of Ottawa to invoke the federal Emergencies Act?

Hon. Marco Mendicino: There was a very consistent line of communication, not only between my office—

Mr. Alistair MacGregor: With respect, Minister, I just need a yes or no, please. I think we just need confirmation. Did the City of Ottawa make a request to your government before February 14?

Hon. Marco Mendicino: My simple answer to you is that I think Ottawa had expressed concerns that they were challenged in their ability to use their police service alone to respond to the illegal occupation. There was contact between them and the Province of Ontario, as well as the RCMP, but perhaps the commissioner may want to say more about that.

Mr. Alistair MacGregor: Before we get to the commissioner, Minister, before February 14, did you or the Prime Minister receive any requests from the Conservative Government of Ontario and Premier Doug Ford, to invoke the federal Emergencies Act?

• (1310)

Hon. Marco Mendicino: Once again, we were in consistent contact with the Province of Ontario. I had a number of conversations with my counterpart, Minister Jones, who is the Ontario Solicitor General. We were talking about the ability of law enforcement to utilize existing authorities, but they then came to their judgment, as you say, and thereafter we came to ours on the basis of the advice that we were getting from law enforcement.

Mr. Alistair MacGregor: In other words, they were transmitting to you that the situation was out of hand. Was that a hint to you? I'm trying to establish for the public whether local or provincial levels of government felt they were sufficiently overwhelmed that they needed the federal government to come in with these extraordinary powers.

Hon. Marco Mendicino: That is why we were very responsive in sending three reinforcements to Ottawa. I wouldn't want to leave you or anyone else with the impression that we were sitting idly by as the situation deteriorated, but to the core of your question, we were very much watching the situation with grave concerns.

Mr. MacGregor, you and I had a number of conversations in which we talked about how it appeared that despite best efforts, law enforcement locally could not leverage existing authorities under the Criminal Code or other statutes to bring the situation under control. I think in part that was because of the large number of individuals who had become entrenched in the downtown core and in communities, but we also wanted to be sure that we were listening carefully to the assessment of police at every level. When we came to the determination to invoke the Emergencies Act, it was because at that moment in time.... It wasn't just a matter of Ottawa; it was a matter of the blockades that had popped up right across the country and, even after they had been dealt with, the concern and the very real risk—including in your province of British Columbia—that they might come back. There were concerns, likewise, that they might come back in Windsor. We then took the decision to invoke the Emergencies Act, which was very effective.

Mr. Alistair MacGregor: Thank you.

I just want to make sure I use some more of my time here. RCMP Commissioner Lucki, I'd like to ask you a question. We heard the minister say that it was the professional opinion of law enforcement that these powers were needed. I received a briefing on two occasions, repeating the same.

Commissioner Lucki, with all of the events that you saw over those first two weeks with the occupation of Ottawa and the blockades, in your professional opinion, was the declaration of public order emergency necessary under the Emergencies Act, and can you please state why?

Commr Brenda Lucki: Obviously, when we are looking at events such as protests or illegal blockades, we look at the whole operational environment and any threats. When we look at it, we have existing authorities under the Criminal Code, the provincial entities and the Ontario emergency act. There were injunctions by the City of Ottawa.

We did use measures under the act when they were put in place. We used, for example.... We don't have anything in existing laws that prevents people from coming to protest, and we can't turn them away, so for us, operationally, it was all about reducing that footprint in Ottawa. The only way to do that was to stop people from coming in or incentivize them to leave. We used it as a big deterrent to people against coming into the area. Yes, in fact, we did use the measures that were put in the Emergencies Act, along with other authorities that we had.

The Chair: Thank you, Commissioner.

Thank you, Mr. MacGregor.

We will now move into the second round of questions. To lead off a five-minute block, we have Mr. Brock.

Mr. Brock, please go ahead.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

Thank you, Minister, and thank you, witnesses, for attending today and for your testimony.

Minister, literally since the 1960s, law enforcement has safely and securely removed illegal blockades and protests across this

country without resorting to the War Measures Act or, in the last 34 years, the Emergencies Act. A classic example of that, Minister, is what happened on the Ambassador Bridge in Windsor. Through effective police engagement and through effective containment, they were able not only to remove the protesters but also to remove the blockages on the bridge, literally one day before the invocation of the Emergencies Act.

Law enforcement, sir, had all the necessary tools under the Criminal Code, the Ontario Highway Traffic Act, Ottawa bylaws and court injunctions to end this illegal blockade. The Prime Minister confirmed this literally days before the invocation of the Emergencies Act.

Before February 14, 2022, Minister, you will agree that law enforcement had numerous powers to arrest under the Criminal Code, first, starting with mischief under section 430 of the Criminal Code, which is defined as wilful acts to destroy or damage property, or obstructing, interrupting or interfering with the lawful use or enjoyment of property or with any person in the lawful use of that property.

You'd agree with me, Minister, that this was available to law enforcement before February 14, 2022. Is that correct?

● (1315)

Hon. Marco Mendicino: Mr. Brock, I would agree that those authorities existed prior to the invocation of the Emergencies Act and that they were on the books and that they were available to police, but one requires—

Mr. Larry Brock: Thank you, Minister—

Hon. Marco Mendicino: No, if you'll permit me to finish, Mr. Brock—

Mr. Larry Brock: It was a yes-or-no question, Minister. You answered it. It was available.

I have five minutes. This is my time, Minister.

You'll agree with me that, under section 175, causing a disturbance, activities such as “fighting, screaming, shouting, swearing, singing—”

Mr. Ron McKinnon: On a point of order, Mr. Chair, Bosc and Gagnon state that we have to be respectful of our witnesses, that we have to give them.... It's not respectful to deny the minister a chance to respond to the question.

The Chair: Your point is well taken. Let's proceed.

Mr. Brock, it's back to you.

Mr. Larry Brock: You'd agree with me, Minister, that causing a disturbance by the activities that I just described to you was available to law enforcement prior to February 14, 2022, under section 175....

Hon. Marco Mendicino: Mr. Brock, what I was attempting to say was that you have to read the Emergencies Act. It says that the law is effective at dealing with "a national emergency". My point to you and to all Canadians was that despite the presence of those laws, they were not effective at dealing with the illegal blockades and the occupation. That was the advice that we were receiving from law enforcement and one of the main reasons we invoked the Emergencies Act.

Mr. Larry Brock: My question to you, Minister, was that it was available to law enforcement to effect an arrest for causing a disturbance for many of the activities complained about by numerous residents in downtown Ottawa: Do you agree with me?

Hon. Marco Mendicino: Mr. Brock, you're missing the point. The way the law works is that it isn't just about whether or not the law is on the books; it is whether or not it is effective in dealing with the illegal blockades and the occupation and—

Mr. Larry Brock: With respect, Minister, that is a law enforcement issue. The law was available for them to use. Whether they utilized it is a separate issue.

My question for you is, was that available to law enforcement, yes or no?

Hon. Marco Mendicino: Mr. Brock, you misunderstand the application of the law as well as how law enforcement interprets it. Their advice to the government was that the existing authorities were not effective at dealing with the illegal blockades and the occupation.

Mr. Larry Brock: Well, law enforcement at Coutts, Alberta, had no problem invoking the Criminal Code to take care of those criminal activities without the Emergencies Act, did they? You would agree with me that they didn't need the Emergencies Act to arrest for the attempt to murder or the other serious offences, did they?

Hon. Marco Mendicino: Mr. Brock, notwithstanding that, the tools that were afforded law enforcement were necessary for the purposes of addressing the illegal blockades and the occupation. That advice came from very experienced law enforcement, including the Canadian Association of Chiefs of Police, the Ontario Association of Chiefs of Police and the Canadian Police Association, which represents the rank and file.

Mr. Larry Brock: We'll examine those individuals in the future. We'll examine those—

Hon. Marco Mendicino: Mr. Brock, respectfully, you're on the other side of the singular opinion of all of those institutions.

Mr. Larry Brock: We'll have an opportunity to question them.

They also had numerous operations under the Highway Traffic Act, dealing with parking, honking of horns and blocking of intersections. All of that was available to law enforcement before 14 February. Is that correct?

The Chair: Thank you, Mr. Brock.

Hon. Marco Mendicino: They were not—

The Chair: The time for that section has been used up.

I'll now turn the floor over to Mr. Chiang, who has five minutes in the second round.

Mr. Chiang, go ahead. The floor is yours.

● (1320)

Mr. Paul Chiang (Markham—Unionville, Lib.): Thank you, Mr. Chair.

Good afternoon, witnesses. Thank you for participating today with us.

My question is for Commissioner Lucki. I understand that operationally you may not be able to provide us with every detail about the work your officers conducted over the weekend. However, I'm wondering if you can tell the committee why the action taken by police this weekend was different from the action taken over the past month.

What role did the RCMP play in shaping the operation led by the Ottawa Police Service this past weekend?

Commr Brenda Lucki: Obviously, we were involved from the beginning, but in a more limited capacity at the beginning. We had our protective mandate as one part of the operation, and the second part was assisting the police of jurisdiction, the Ottawa Police Service, to which we provided some resources.

As things ramped up, there was a request for more resources, and we developed a unified command so that we had Ontario police, us and OPS doing integrated planning, because the footprint was not being reduced. In fact, every weekend it was being increased. It would go down after the end of the weekend but the general numbers would never change.

Part of effectively dealing with crowds and illegal blockades is reducing the footprint, and so the plan was based on communications, deterrents and motivations to get people out of the footprint. That's why parts of the EA were very effective in that regard. It was integrated into our planning to reduce the footprint, so that we could deal with what was left after we reduced the footprint of the illegal blockade.

We provided numerous resources, specialized and frontline police officers, and an effective and integrated command centre, which was actually brought into our RCMP building. It had people from all different police of jurisdiction who were going to contribute to the effective enforcement to get rid of the illegal blockade in Ottawa.

Mr. Paul Chiang: Thank you so much, Commissioner, for those words.

I just want to clarify something with regard to police officers from different provinces coming to Ontario to assist. Without the EA, would they have been able to come across the borders, or would they have been restricted to their own provinces?

Commr Brenda Lucki: Yes, absolutely, under the RCMP model we are allowed, under the provincial police act service agreement within the RCMP, to draw up to 10% of provincial resources into other areas in emergent situations.

One thing the act did was to allow us to avoid the swearing in of our officers for frontline provincial and municipal enforcement. That was one of the things that was brought into the EA. Before that, when we brought people into the province and into the city of Ottawa, they needed to be sworn in, which was more of an administrative streamlining of our services.

Mr. Paul Chiang: Thank you so much.

I understand that the situation we had in the past month was quite fluid, and that the EA was quite good in assisting law enforcement to work co-operatively across the country. If the situation had gotten worse, it would have assisted law enforcement across the country to be fluid and to react appropriately. Would you say that?

Commr Brenda Lucki: Yes. The EA was used across.... There were many protests that were peaceful and fell within the rules of the law that we dealt with across the country—40 to 50 different ones—but there was one where it went into the illegal realm and the EA was used as a deterrent, first of all to stop people from joining the existing protests, and also to stop convoys travelling across the country to join in on the Ottawa blockade, the illegal protest there.

Mr. Paul Chiang: Thank you so much, Commissioner.

From your policing perspective, when does a protest become an occupation, that is, from a peaceful protest to an occupation...?

Commr Brenda Lucki: I don't know in regard to an occupation, but what I do know is that peaceful protests follow the rules of the law. When they get into the illegal protests, where they will not follow the law and refuse to leave or are in areas illegally or are blocking the enjoyment of others, that's when they become illegal. That's when they're asked to leave or to make sure there's not an impediment of traffic, for instance, or pedestrian traffic, or the breaking of the various laws Mr. Brock referred to—

• (1325)

The Chair: Thank you very much, Commissioner.

Ms. Michaud, the floor is now yours for two and a half minutes.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

Mr. Minister, I want to go back to my question that you did not have the time to answer.

Unfortunately, I believe that your government exploited the crisis towards the end.

Why did your government threaten parliamentarians to make it into a vote of confidence if we voted against invoking the Emergencies Act?

Did it really justify holding another election?

Hon. Marco Mendicino: Thank you for your question.

Ms. Michaud, right from when the illegal blockades began, the government's priority was the health and safety of Canadians.

People sometimes have differing opinions on the pandemic, but nothing justifies breaking the law, violating the rights of the residents of Ottawa, and illegal blockades. That's the most important factor.

Making the decision to invoke the Emergencies Act was very difficult, but we did so with a lot of care and we listened closely to the advice from the police forces.

Ms. Kristina Michaud: Mr. Minister, only a few hours after the vote, you revoked the act yourselves.

What changed between the time of the vote and the time when you revoked the act?

In my opinion, and in the opinion of many, downtown Ottawa was clear and the act was not justified at that point.

Hon. Marco Mendicino: Despite the progress made at the beginning of the week, there was still a risk, given that a number of participants remained at blockades outside Ottawa, but at ports of entry. That was a concern to the government and even to the police forces. So we monitored the situation carefully, hour by hour and day by day.

[English]

The Chair: I'm sorry, Minister. You're going to have to wrap it up.

[Translation]

Hon. Marco Mendicino: When we made the decision to revoke the act, it was because the situation was no longer an emergency.

[English]

The Chair: Thank you very much.

Mr. MacGregor, in this round, you have two and a half minutes.

The floor is yours.

Mr. Alistair MacGregor: Thank you, Chair.

Minister, I don't think history is going to be kind to this whole episode of the last three weeks, certainly for the people of Ottawa, who I think rightly felt abandoned, not only by their police services but by three different levels of government.

When I brought forward this motion to ask you and officials to come here, it was for a discussion not so much of the Emergencies Act and the powers it entailed but really of the events that led to our having to enact it. I think that very action represented a failure. The failure was that we needed this massive suite of federal powers to get the job done.

I really want to try to piece this together.

From January 28 onwards, even before the convoy appeared in Ottawa, the warning signs were there that this was not going to be a normal protest. Ottawa experiences protests pretty much every day of the week. We are used to seeing them on Parliament Hill. They stay; they make their point; they make their voices heard, and they disperse.

I'm just trying to find out why the federal government did not step in sooner to provide that coordination, the logistical and intelligence support, to effectively deal with this. We ended up having our capital, our seat of democracy, basically put under siege.

• (1330)

Hon. Marco Mendicino: Mr. MacGregor, I want to assure you that the federal government was very present and supportive of local police. We sent three reinforcements, hundreds of Mounties, to assist the Ottawa Police Service. You heard the commissioner say that she was in touch with the city to offer that support.

I would also point out that if the Ottawa Police Service was incapable of dealing with the occupation, the provincial statute says that the OPP would then step in. If the OPP could not then respond, the RCMP would be there. Throughout, there was communication and support.

I will also say that there are lessons to be taken from the last month or so, Mr. MacGregor. I agree with you, but as much as the Emergencies Act was a tool that could be used, it was effective. It did the job. It clearly helped to put an end to the illegal blockade and the illegal occupation in Ottawa, and that is what it was intended to do.

The Chair: Thank you, Minister.

Colleagues, we're at the bottom of the hour, but I appreciate the Minister's offer to stay a bit longer so we can finish the second round.

For the information of witnesses and members of the committee, that will be two five-minute blocks, and that will take us to the end of the section.

I have Mr. Brock next, for five minutes.

Is that your understanding, Ms. Dancho?

Ms. Raquel Dancho: What if I could go first and then defer to Mr. Brock? Does that work for you?

The Chair: It's entirely up to you. You have five minutes.

Ms. Raquel Dancho: Thank you, Mr. Chair.

Minister, I want to follow up on our line of questioning earlier. Again, I was asking for evidence of a serious national security threat to public safety, which your government argued was what transpired. Therefore, the threshold was met to invoke these extraordinary powers that had never been invoked before. Then you mentioned that there were threats of rape and that certain organizers talked about using bullets. Is that your evidence that there was a serious national public threat to security for Canadians?

Hon. Marco Mendicino: Ms. Dancho, that's just the tip of the iceberg. You had blockades across the country. There were hundreds of charges laid as a result of the blockades. There were hundreds of charges and arrests straight out—

Ms. Raquel Dancho: That's correct, yes. I apologize for interrupting, but—

Hon. Marco Mendicino: —that flowed from the illegal occupation. What I'm getting at is that it was not just insinuations, Ms. Dancho.

Ms. Raquel Dancho: Right, but the blockades, of course, had to come down. They were illegal. However, again, we're talking about the argument that was made by your government that the threshold—the very high threshold of a threat to the national security and public safety of Canadians—was met. Then when I pressed you, you said there were allegations of rape, and some organizers said something about bullets. Again, I was walking by those folks, so if you believe that this is true, again I'll just ask you, why would you let us parliamentarians and women parliamentarians walk—

Mr. Taleeb Noormohamed: On a point of order, Mr. Chair, under Standing Order 11, this is repetitive questioning. We've already had this question asked. We have the minister for a limited amount of time, so I'm wondering if we might be able to move on to non-repetitive questions.

Ms. Raquel Dancho: If I could respond to that, Mr. Chair, I think the Minister of Public Safety of Canada, who was formerly a Crown prosecutor, is able to handle my line of questioning just fine. He does not need the assistance of Liberal members of this committee.

Am I correct, Mr. Mendicino?

Hon. Marco Mendicino: I'm happy to take your questions, Ms. Dancho.

Ms. Raquel Dancho: Thank you, Mr. Mendicino.

If you'll allow me, Mr. Chair, I'll continue on that one minute and 26 seconds.

I'll just review, because I am genuinely concerned about this. Women on this panel right now walked by that protest every day, and you're saying there was a serious threat to public safety. Again, can you confirm that there was a serious threat to our public safety in walking by that Ottawa protest every day, and that the threshold for invoking this act was thereby met?

Hon. Marco Mendicino: Ms. Dancho, at the risk of generalizing, I would say that for every one example of a safe passage there are probably thousands who did not feel any public safety. Far from my simply insinuating that there was a lack of public safety and order, one only has to take a look at the extensive criminal enforcement operations that led to serious charges.

Yes, Ms. Dancho, although I say it regretfully, there were individuals who were intimidated and harassed. There were expressions of hate. There were apartment buildings that were chained, and there were efforts to set buildings on fire.

The individuals who live in Ottawa were terrorized. The individuals who were trying to go to work in Windsor and elsewhere in southwestern Ontario could not, because of the illegal blockades.

All of these events, tied together, constituted a national emergency. When we arrived at that, we gave law enforcement the tools they needed to get the job done. I'm very happy to say, Ms. Dancho, that they did it with the least amount of force in a very professional manner. As a result, the situation is now far better.

● (1335)

Ms. Raquel Dancho: Right. I appreciate that, but again, my line of questioning is that you said there was a serious threat to public safety and therefore the threshold for invoking this act was met. Again, in all the things you've just listed, if that's the case, then why would you permit members of Parliament, their staff and journalists to walk by this protest that was so threatening, so dangerous and so violent, by your own words today? Why would you allow us to even get close to that protest if it was such a threat to public national safety and security? It really doesn't make sense to me why you would do that.

Hon. Marco Mendicino: It's a fair question, Ms. Dancho.

I would simply say that we offered additional protection to MPs. As for journalists, trust me, I reached out to some of them and urged them to be very careful, but they probably wouldn't have listened to me anyway because they were concerned about reporting about the facts, Ms. Dancho.

It is regrettable that a number of individuals within the Conservative Party seem to want to gloss over the facts, but this is to our detriment collectively. I would just hope that on sober reflection you would see that as a result of the steps we took, we restored public safety and order, because that is what we had to do.

Ms. Raquel Dancho: Well, I appreciate that, Mr. Mendicino, but in response, I would hope that if the claims you're making are true, that if national security and public safety were in jeopardy—due to threats of rape in Ottawa, bullets and all of these other things you said—you have serious and sober reflection about the fact that you allowed members of Parliament, journalists and staff to walk among the protest for three weeks. I think that requires serious, sober reflection if that is in fact the case.

Mr. Chair, I'll cede the rest of my time to Mr. Brock. I have 30 seconds left.

The Chair: All right.

Go ahead, Mr. Brock.

Mr. Larry Brock: Thank you.

The most disturbing aspect I heard, Minister Mendicino, is this rape allegation—a very heinous, serious crime.

We debated this particular issue for over 40 hours. Not once did the Prime Minister, you or any other senior member of cabinet, or any member of your backbench, raise a rape allegation, so my question to you is very pointed. If that allegation did not result in a criminal charge—and it's not rape under the criminal charge, as you know since you're a lawyer; it's an allegation of sexual assault—

The Chair: Your time is up—

Mr. Larry Brock: —will you undertake to provide—

The Chair: Sir, the question—

Mr. Larry Brock: —this committee with proof of allegations?

The Chair: Please, have respect for the chair.

The question has been put.

Mr. Mendicino, you have 10 seconds to respond.

Hon. Marco Mendicino: The absence of criminal charges doesn't mean it didn't happen in Ottawa, and it doesn't happen every day, Mr. Brock, and I would think you would know that.

The Chair: The last slot on this round, to take us to the end of the discussion with the minister, goes to Mr. McKinnon.

You have five minutes. The floor is yours, sir.

Mr. Ron McKinnon: Thank you, Mr. Chair.

I just want to mention that a week ago Parliament was in fact shut down for a day because of safety concerns, so I think that speaks to the safety of parliamentarians on the Hill.

What I want to talk about now is that in circumstances of this kind, whether it's the blockade that happened here or the blockades we had a couple of years ago, the public often sees not enough action. They demand, depending on the circumstances, that the mayor, the premier or, in this case, the Prime Minister take action, yet we know that we, as political actors, are limited in what we can do, because we have to maintain the independence of the police services.

Could you speak to squaring that circle? What actions are available to us when we see events of this kind unfold and we don't necessarily see effective action?

Hon. Marco Mendicino: It's a very important question, Mr. McKinnon. You're quite right that the government fulfills functions that are quite different from those fulfilled by the police service. We in government are responsible for putting into place the necessary laws and for making sure that law enforcement has all the tools and resources it needs to maintain and uphold public safety, whereas it is up to law enforcement to then enforce those laws. There are very well-established conventions as to why those functions need to be maintained separately.

I would say that doesn't mean there isn't a need for communication. I would simply point out that between my team, my department and me, and the commissioner, there was very good communication. I want to commend her and the RCMP, as well as all law enforcement, for being very attentive to the concerns the government was expressing. Likewise, her advice to the government was extremely helpful so that we could understand what the challenges were, what the threats were and why we eventually needed to invoke the Emergencies Act.

The point I would make is that the Emergencies Act, while intended to be a sparingly used statute, was an essential tool. It was essential in the circumstances because of the significant disruption that was caused at our borders and the significant and devastating impact on our communities. Law enforcement used this tool with designated no-go zones, with financial controls and with the ability to more quickly mobilize police into the areas where we needed them. They did it to great effect at all times, responsibly and with restraint, and with the least amount of force. That is how, I believe, the Emergencies Act was intended to be used.

● (1340)

Mr. Ron McKinnon: Thank you, Minister.

I'd like to carry on with this theme a little.

This is of particular significance in areas where the police of jurisdiction are, in fact, the RCMP, yet they may well be contracted to municipalities or to the province. When the RCMP are involved, people say, "Well, that's a federal police force," and they say that because it's a federal police force, the Prime Minister should be responsible, or that you, as Minister of Public Safety, have the RCMP within your purview.

What do we say to those people who are demanding that the federal government step in, in these circumstances? People see arguments about jurisdiction as being excuses, and they want to see action. How do we respond to that?

Hon. Marco Mendicino: It's a fair point, Mr. McKinnon.

The average citizen, the person who is living in their community, is not concerned with jurisdiction. What they expect is that police at every level will work together and that governments at every level will work together. Certainly over the course of the illegal blockades, that was what we endeavoured to do. Initially that was by providing reinforcements where, according to the advice of the RCMP, they were needed, sending hundreds of Mounties to the community in Ottawa as well as mobilizing additional Mounties in Alberta and elsewhere across the country. Thereafter, where the challenges remained, it was by using the Emergencies Act.

Again, this highlights the differences in the functions we serve. Governments came up with the Emergencies Act because they foresaw that at a certain moment, law enforcement would potentially require some additional mechanisms to be put into place, but, importantly, with safeguards.

The Chair: Minister, thank you for extending the time. We had some technical issues, but we managed to get through two full rounds of questions.

On behalf of the committee, thank you. We understand how the stresses on your time are really quite extraordinary. We're very grateful for your having spent the last hour with us.

Colleagues, we'll suspend so that the clerk can do sound checks for the next panel.

I will be looking at my clock—

Mr. Dane Lloyd: I'm sorry, but I just want to raise this point of order. I wanted to respect the minister's time, but the member for

Vancouver Granville, earlier in this session, on a point of order, cited Standing Order 11 against repetitive questions.

There is no Standing Order 11 against repetitive questions, and there also is no standing order for raising objections to questions you don't like being asked. We all have rights as members of Parliament to ask questions and to not be interrupted by frivolous points of order.

I would ask, Mr. Chair, that you ask the member to provide proof of such a standing order, as he claimed, or to cease interrupting members with frivolous points of order.

Thank you, Mr. Chair.

The Chair: Fair enough. I'll take that under advisement.

We will suspend for five minutes. The clerk has to do sound checks for the next panel.

I'll be watching my clock. Clerk, that's five minutes for you, and members of the committee, that's five minutes for you to powder your noses or whatever you want to do.

I'll see you in a few minutes.

● (1340)

(Pause)

● (1350)

The Chair: Thank you, everybody, for being so alert to our tight time frame. Speaking of which, if we're going to get through two rounds, we'll have to go slightly over the half hour. It looks like that would be between five and 10 minutes, if there are no objections.

Seeing none, I'll call the meeting back to order, everybody.

With have with us, for the second hour, a number of witnesses via video conference.

From the Canada Border Services Agency, we have Scott Harris, vice-president, intelligence and enforcement branch, and Denis Vinette, vice-president of the travellers branch.

From the Department of Finance, we have Richard Bilodeau, director general, financial institutions division, financial sector policy branch.

From the Department of Justice, we have Samantha Maislin Dickson, assistant deputy minister, public safety, defence and immigration portfolio.

From the Department of Public Safety and Emergency Preparedness, we have Talal Dakalbab, assistant deputy minister, crime prevention branch.

From the Financial Transactions and Reports Analysis of Canada, we have Barry MacKillop, deputy director, intelligence.

From the Royal Canadian Mounted Police, we have Dennis Daley, assistant commissioner, contract and indigenous policing, and Michael Duheme, deputy commissioner, federal policing.

Members of the committee, there will be no opening remarks. I've been informed that the RCMP will be able to speak only to its own role and support regarding the police action in Ottawa.

I will now open the floor for questions.

Ms. Dancho, you will be leading off the first round. You have six minutes. Please proceed when you're ready.

Ms. Raquel Dancho: Thank you, Mr. Chair, and thank you to the witnesses for being here today.

I'm not sure who this should go to, the Department of Justice or possibly the Department of Public Safety. I want to follow up on some of the questions we had in the first hour from my colleague Mr. Brock concerning laws already on the books—I have a big old list here—that could have been used to break up unlawful protests and blockades and mischief. There are plenty of laws to, say, clear blockades at bridges and tunnels and things like that. There are even laws to have individuals aid police, which could be applied to tow truck drivers.

Can someone answer for me again why those laws weren't good enough to fix this problem and why you needed to bring in the emergency powers to fix the problem?

I'm not sure if this should go to the Department of Justice or...

Mr. Talal Dakalbab (Assistant Deputy Minister, Crime Prevention Branch, Department of Public Safety and Emergency Preparedness): Maybe I can start and then turn it over to Sam, my colleague from Justice.

You're correct about the existing laws, but I can tell you that I clearly heard back from law enforcement that they were very happy and supported the additional powers that came through the Emergencies Act. The regulations, such as section 2, that a person must not participate in a public assembly, and section 7, to be able to order the services, really came in handy, as did the financial control measures that were not available before.

I'm just letting the committee know that this is what we heard from law enforcement. They were very satisfied with the additional powers through the Emergencies Act.

• (1355)

Ms. Raquel Dancho: Let me just follow up on that. The financial powers, I know, were of particular interest to the RCMP. I have the list here that the Minister of Public Safety tweeted out about the laws from the emergency powers that were used by RCMP. Last I checked yesterday, this was still available online and it outlines only the financial powers.

That aside, the point of what I'm asking is that those financial powers did exist already. You could already freeze bank accounts. It just required judicial oversight. Is that not correct?

Mr. Talal Dakalbab: I'll turn it over to my colleagues from Finance to answer the financial powers issue.

Mr. Richard Bilodeau (Director General, Financial Institutions Division, Financial Sector Policy Branch, Department of Finance): Thank you. Maybe I can start and then turn it over to Samantha.

You are correct that the courts are always available to proceed and see about freezing or seizing funds from an account. What the regulations or the economic measures allowed the RCMP and others to do was to share information with financial institutions and for

financial institutions to take action on that information if they believed that people were designated. The order facilitated those actions with respect to people who were participating in the assemblies.

From the legal side of it, maybe I can turn it over to Ms. Dickson.

Ms. Samantha Maislin Dickson (Assistant Deputy Minister, Public Safety, Defence and Immigration Portfolio, Department of Justice): I would add to what my colleagues have already indicated, that the trigger under the Emergencies Act requires not that other laws be available, but that they be available to effectively deal with the situation. The determination that was made, as I understand it, was that the effectiveness of any statute that may have been on the books to potentially deal with it was not available at the time the declaration was issued.

Ms. Raquel Dancho: You're saying that there were plenty of existing laws to keep the peace and order of our country regarding the blockades, that in Ottawa they just weren't enforced, and that the emergency powers allowed them to be enforced. Is that what you're saying?

Ms. Samantha Maislin Dickson: Perhaps I can start.

The legal threshold is that there isn't any other statute available to effectively deal with the situation. In terms of determinations that were made in order to assess the declaration, I will pass it over to my colleagues at Public Safety and Finance.

Mr. Talal Dakalbab: From a public safety perspective, I don't want to repeat what my colleague from Justice said, but it was not about whether they were available or not; rather, it was about whether they were effective or not.

As I mentioned earlier, it was clear that effectiveness required additional powers.

Ms. Raquel Dancho: For the RCMP, which of those additional powers were used? Perhaps the RCMP could answer.

Assistant Commissioner Dennis Daley (Contract and Indigenous Policing, Royal Canadian Mounted Police): Good afternoon. I'll start, and I can pass it to Deputy Duheme.

From a law enforcement perspective, I work within the legislation and the tools that I have, with public safety being paramount. In my normal job, I am one of the principle interlocutors between—

Ms. Raquel Dancho: I'm so sorry to interrupt you. I only have a few seconds. Could you answer for me, which emergency powers were used by the RCMP?

A/Commr Dennis Daley: Within the city of Ottawa, I was not involved in some of the operational planning and that sort of thing, but what I can tell you is that the Emergencies Act worked significantly as a deterrent across the country, first of all. You may have also seen that within the city of Ottawa, there were broader abilities to restrict travel. There were broader capabilities of law enforcement to determine exclusion—

Ms. Raquel Dancho: I'm so sorry. If I could force the.... On the list I have online, from the powers you used, can you confirm that the only powers you used were what you placed online, and that they were the financial powers? They were the only ones the RCMP used—

The Chair: We're out of time. That's going to have to be a yes or a no.

Can we get a yes or no to that?

Ms. Raquel Dancho: That should be simple yes-or-no question.

A/Commr Dennis Daley: I'm unfamiliar with that document, so I can't make a comment.

The Chair: Ms. Damoff, you're up next. You have a six-minute slot.

Please proceed when you're ready.

• (1400)

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you so much, Chair.

I will say that I certainly did not feel safe when I was in Ottawa during the blockade. I know of a young woman who was followed and assaulted. What I heard the minister say was that rape had been threatened, not that it actually occurred.

I have a quick question for Public Safety. There was an insinuation that the minister is responsible for parliamentarians' safety. Could you clarify if it's the minister or the Sergeant-at-Arms?

Mr. Talal Dakalbab: The responsibility for parliamentarians lies with the Sergeant-at-Arms. There is work done, obviously, in collaboration with PPS and the RCMP, depending on the level of threat, but the Sergeant-at-Arms is the first person who is responsible.

Ms. Pam Damoff: That's who I was receiving information from throughout the occupation.

My next question is probably for the RCMP. How important was removing the ability to access funds to being able to end what was happening in Ottawa?

A/Commr Dennis Daley: When I look at the national landscape and the protests across the country and the different situations.... As I understand it, one of the reasons for the proclamation of the Emergencies Act was the potential for further unrest and violence. That was the unknown for law enforcement as the weeks went by, recognizing that since the pandemic started, we have facilitated protests all across the country. From January on, we saw a significantly different flavour in the protests.

The enactment of the Emergencies Act was an effective tool, not only to deal directly with the leaders of the blockade here in Ottawa, but also to provide a deterrent effect as our officers across the country dealt with other blockades and were able to explain what the Emergences Act really was, especially the financial economic measures.

Ms. Pam Damoff: The first folks arrived in Ottawa on January 28, but on February 2 GoFundMe froze the fundraiser that was taking place on their platform, which at the time was about \$10 million. Then on February 4 they took it down.

Do you have any insight into how important it was to proactively remove access to those funds by occupants of the convoy?

I know that at the same time the Province of Ontario also froze the assets of a similar platform that sprang up, GiveSendGo.

Would the police operations have been more difficult had the folks involved in the protest had access to those millions of dollars?

A/Commr Dennis Daley: The unlawful protests and blockades that we saw across the country were something different from anything police have ever dealt with. With my 33 years of law enforcement, I'm very used to dealing with protests. I've been involved in similar types of protests; however, when we look at the ability to communicate on many different platforms, the ability to draw resources quickly, and the different funding sources that are available through crowdfunding, for instance, there certainly is a concern for law enforcement.

I don't have specific details on the impacts of GoFundMe or the others, but certainly the ability to freeze accounts was not only effective but also a deterrent for like-minded others.

Ms. Pam Damoff: My next question, staying on the same theme, is for FINTRAC.

We know that these crowdfunding platforms are not actually handling the payments—I understand that in Canada it's PayPal or Stripe—but do you think it would be beneficial to work with platforms like GoFundMe to develop guidelines to bring them under FINTRAC's reporting requirements?

• (1405)

Mr. Barry MacKillop (Deputy Director, Intelligence, Financial Transactions and Reports Analysis Centre of Canada): I think that is something that the Department of Finance and the Minister of Finance are now looking at bringing in. They certainly were in during the period in which the regulations were enacted.

I think it's early days right now to know what in fact they could report with respect to our mandate linked to money laundering and terrorist financing, and how much, if at all, those platforms are used for money laundering and terrorist financing. It is early days to know what in fact they could report. As an intelligence agency, we're always looking to work with our partners across the regime to see if there are ways we can improve the regime and improve the intelligence so that we can then provide through law enforcement—

Ms. Pam Damoff: I'm going to cut you off because I have only 10 seconds.

Do you think cryptocurrency should be something you look at as well?

Mr. Barry MacKillop: We already do cryptocurrency. In fact, it is regulated and reported to FINTRAC.

Ms. Pam Damoff: Okay. Thank you.

The Chair: Thank you very much.

We'll now move to Ms. Michaud.

Ms. Michaud, you have six minutes in this slot.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

My thanks to the witnesses for joining us.

Let me first turn to you, Assistant Deputy Minister. There is a lot of discussion about the usefulness, the effectiveness, of the Emergencies Act. The legal scholar Patrick Taillon recently explained that, in 1988, when the War Measures Act was rewritten and became the Emergencies Act, there was such a desire to circumscribe the situations under which the act would be invoked that now there must be very grave reasons for doing so. He said: "To meet the high standard required by the act, demonstrators must almost be considered terrorists. This seems to me to be a little exaggerated."

So it is not enough to tell ourselves that the act was useful, we have to say that it was necessary or essential. I do not want to downplay the troubling abuse or language we witnessed. But some men in a hot tub in the middle of Wellington Street hardly seems a threat to the country's territorial integrity.

Did the Department of Public Safety obtain information from Canadian security organizations that led you to believe that our democratic institutions were really in danger and that this act of last resort needed to be invoked?

Mr. Talal Dakalbab: Thank you very much for your question.

I will give you an answer but I may turn to my colleague from the Department of Justice to provide you with more details.

I have no knowledge of the advice you mentioned, but I can tell you that the act absolutely contains measures to make sure that the Charter is upheld. That is certainly the case and it is important.

With that said, it is certain that, when we looked at the situation, in Ottawa or elsewhere in the country, we saw threats.

[English]

There was disrupting the peace.

[Translation]

There were economic impacts of the blockades at border crossings. Many threats of a political nature were also observed and reported.

I want to ensure that those factors are acknowledged. They were very important as the need to invoke the Emergencies Act was evaluated.

At this point, I can turn to my colleague Ms. Maislin Dickson to see if she wishes to add anything.

Ms. Samantha Maislin Dickson: Thank you very much, Mr. Dakalbab.

My thanks to the hon. member for her question.

Clearly, section 2 of the Canadian Security Intelligence Service Act contains definitions in this regard. But those criteria must be in-

terpreted in the context of the Emergencies Act. In declaring a state of emergency, the Governor in Council must believe, on reasonable grounds, that such an emergency exists. Furthermore, the criteria that must be met deal with the rule of law, with security, with the social cohesion of Canadians, with the preservation of essential infrastructure, with territorial integrity, with Canada's economic prosperity, and so on. So there are a number of criteria.

Of course, the bar for these criteria is very high, but the Governor in Council decided that the criteria had been met when the declaration was issued.

Ms. Kristina Michaud: Thank you.

Assistant Deputy Minister, I heard the minister justify the use of the act by saying that there was no way to find tow trucks to remove the trucks on Wellington Street. However, to my knowledge, the Canadian Armed Forces have plenty of tow trucks. I am sure that they would have been ready to make them available to the government to help tow away the trucks.

Were steps taken to find tow trucks?

Why were the Armed Forces' tow trucks not an option?

Why did the Emergencies Act have to be invoked to find tow trucks?

● (1410)

Mr. Talal Dakalbab: Thank you for your question.

Yes, I can confirm that towing was a problem and that it was not limited to Ottawa. In our discussions with our colleagues across the country, that was regularly brought to our attention during the blockades. Not only were tow trucks unavailable, but operators also refused to come to tow away the trucks. I can't speak for the Ottawa police in terms of the exact nature of its requests, but we at the Department of Public Safety examine any request that we receive from police forces.

I can tell you that subsection 7(1) of the Emergency Measures Regulations completely changed people's attitudes and made it easier to tow away the trucks, at least in Ottawa.

However, I cannot tell you exactly why there was no request to the Canadian Armed Forces. I myself deal only with the requests we receive from police forces.

Ms. Kristina Michaud: Thank you very much.

I would like to ask a question of the RCMP officials, whether it be the assistant commissioner or the deputy commissioner.

On February 7, the City of Ottawa requested reinforcements, an additional 1,800 police officers, to deal with the crisis. A few days later, the minister made an additional 275 officers available to the City of Ottawa. Yet the media reported that the majority of these officers were for the protection of Parliament or directly for the Prime Minister. We wondered if it was because there were not enough officers available.

Mr. Duheme or Mr. Daley, can you confirm that it would have been possible to provide additional RCMP officers to grant the City of Ottawa's request for 1,800 officers?

Deputy Commissioner Michael Duheme (Federal Policing, Royal Canadian Mounted Police): I can confirm, Mr. Chair, that the 280-plus people sworn in included law enforcement troops, who should not have been sworn in. However, we did bring in other reinforcements, subsequently, who were sworn in to meet the demand.

Ms. Kristina Michaud: Thank you.

[English]

The Chair: Thank you very much.

Now I'd like to turn the floor over to Mr. MacGregor. Sir, you have six minutes. Whenever you're ready, please proceed.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

I'll start with the RCMP, maybe with Assistant Commissioner Daley.

My Conservative colleagues have rightly pointed out that we have many of the offences that were committed listed on our books, either under the Criminal Code or under civil codes of the province, like traffic violations and such. There obviously was a difference between the law being on the books and it being enforced.

We're trying to find out as a committee.... I know you're with the RCMP, and initial law enforcement responsibilities were with the Ottawa Police Service, but the RCMP was in contact with the OPS and the OPP as the situation evolved. What did Ottawa's declaration of a state of emergency allow the OPS to do?

Further to that, when the Province of Ontario rounded up with its own declaration of a state of emergency, what did that then allow it to do? Why were those measures still ineffective, so that we got to the point of February 14, when the federal government had to bring in its own measure?

A/Commr Dennis Daley: It's difficult for me to respond within the City of Ottawa because, as I've stated before, I wasn't involved in the original operational planning. I'm not overly familiar with what the state of emergency declared by the City of Ottawa allowed the Ottawa police to do.

What I can tell you is that law enforcement uses whatever tool is available and whatever legislation is available. For the RCMP, the enactment of the Emergencies Act then allowed us to, primarily outside of Ottawa, use the Emergencies Act, primarily as a deterrent in ensuring that like-minded people were fully aware of such things as the economic measures and—as long as we linked the travel if a convoy was heading to Ottawa that was able to be com-

municated with—fully understood that we could prevent travel to Ottawa if required.

• (1415)

Mr. Alistair MacGregor: Thank you.

Specifically referencing now the actions of the Province of Ontario, at this point the situation had evolved considerably, so I think all levels of government were really starting to pay attention. Conservative Premier Doug Ford, who did come out publicly to support the federal government's declaration under the Emergencies Act, when the Province of Ontario made its own state of emergency, referenced this as no longer being a peaceful protest. He said it was a "siege". With his emergency declaration, he brought in considerable fines, a threat of the removal of commercial vehicle operators' licences and even the threat of time in jail.

To your understanding, were any of those measures specifically applied to the trucks in Ottawa? Do you have knowledge of that? Were those starting to act as a deterrent before we got to the federal declaration?

A/Commr Dennis Daley: Unfortunately, I don't have any information surrounding those particulars like the enactment of the Ontario emergencies act.

Mr. Alistair MacGregor: After the federal declaration under the Emergencies Act, between February 14 and February 18, when they started to clear the city of Ottawa, do you have knowledge as to whether the declaration on February 14 caused a number of people in Ottawa who had been occupying to leave? Did police services, through intelligence sharing, note that there had been a considerable withdrawal of people because of the threat of the Emergencies Act?

A/Commr Dennis Daley: Perhaps I'll start. Then I can turn it over to Deputy Duheme.

I am aware that significant efforts were made around, for instance, exclusion zones, in that the Emergencies Act allowed police broader and more clarity to enact exclusion zones. You may have seen in the media that there were up to 100 checkpoints. It also enabled the police more clarity on restricting travel, so that if there was information that a convoy was on the way to Ottawa, it enabled police to turn that convoy around—so travel restrictions.

The issue of compelling tow trucks was a significant issue. Certainly, I can speak to Alberta, but another significant issue was, we heard, where tow truck operators were either threatened or intimidated and stayed away.

As far as your question goes with respect to it as a deterrent and whether people left the city of Ottawa, I'll turn it over to Deputy Duheme.

D/Commr Michael Duheme: I don't have any numbers as to people who left, but obviously there was a deterrent against people coming back.

We've seen fewer people over the past weekend.

To your other question with regard to the economic side of things, we saw people leave when we started to go kinetic. They didn't want to stay there. They didn't want to have their trucks towed away.

I can tell you that after contacting the individuals over there, the comments after leaving were, "I'm not going back there." Because their accounts were frozen and whatnot, it had a twofold effect. It was a good deterrent, but it also put things in perspective for the people who were there.

Mr. Alistair MacGregor: Yes, it just seems that we had a summary escalation, right, with the City of Ottawa, then the Province of Ontario and then the federal government, and yes, we had these laws in the books, but they weren't acting in their capacity and—

The Chair: Thank you, Mr. MacGregor.

Mr. Alistair MacGregor: —[Inaudible—Editor] these measures.

The Chair: Thank you very much.

I will now turn to Mr. Lloyd, who leads off this next round with a five-minute slot.

Mr. Lloyd, the floor is yours, sir. When you're ready, please proceed.

Mr. Dane Lloyd: Thank you, Mr. Chair.

My first question is for Mr. MacKillop. You're an expert in money laundering. Are terrorist groups and organized crime using GoFundMe, GiveSendGo and other crowdfunding platforms to launder money?

Mr. Barry MacKillop: There have been studies by the Financial Action Task Force, which indicated that in some countries, they have, in fact, used these types of funding mechanisms or platforms in order to either attempt to raise money for terrorist activities or—

Mr. Dane Lloyd: Have there been any cases in Canada, as far as you're aware?

Mr. Barry MacKillop: As far as I'm aware, we haven't seen them. However, they do not report to FINTRAC at this point, so I wouldn't see if that platform was being used. With the touchpoint they have with financial institutions, we do not currently see them being a high risk, but that doesn't mean they can't be used.

Criminals are always trying to adapt and find different and creative ways to hide their money or launder their money.

• (1420)

Mr. Dane Lloyd: My next question is for Ms. Maislin Dickson. Nobody's been asking you too many questions today.

Under section 63 of the Criminal Code, there are provisions against unlawful assemblies. Was the assembly in Ottawa illegal before the invocation of the Emergencies Act?

Ms. Samantha Maislin Dickson: As I indicated in my previous answer, there were indeed laws on the books. The question became whether they were effective in dealing with the situation as it evolved, to the point that it got to when the declaration was issued.

Mr. Dane Lloyd: Was the protest in Ottawa illegal before the Emergencies Act was invoked?

Ms. Samantha Maislin Dickson: I wasn't on the ground and wasn't aware of any charges being issued at that point in time.

Mr. Dane Lloyd: You would say it wasn't illegal until the Emergencies Act came into place, and then it became illegal. Is that correct?

Ms. Samantha Maislin Dickson: No, sir. That's not what I said. I said I wasn't aware of any charges being issued.

Whether or not the activities were illegal, it was determined that it was not a peaceful protest and it had gone beyond what we would normally consider to be a lawful assembly.

Mr. Dane Lloyd: Did the justice department not know before February 15 whether this was an illegal or a legal protest?

Ms. Samantha Maislin Dickson: I wouldn't be at liberty to disclose the legal advice that was provided to the government in the context of the unfolding situation. There were laws on the books. It was understood that the activities that were taking place went beyond what would be considered lawful assembly, but I wouldn't be able to go beyond that.

Mr. Dane Lloyd: Before the invocation of the Emergencies Act on Monday, what would the process have been to seize the bank accounts of Canadians?

Ms. Samantha Maislin Dickson: I think one of your colleagues alluded to it. It would happen by way of a court process. Again, the sense would be whether the laws available would be effective to address the situation that arose. That is the determination that was made.

Mr. Dane Lloyd: Why do we need courts to determine whether or not bank accounts can be frozen by the government?

Ms. Samantha Maislin Dickson: Because we have to be charter-compliant, and that is one mechanism by which we ensure that compliance.

Mr. Dane Lloyd: That's in section 8 of the charter. Is that correct? It's unreasonable search and seizure.

Ms. Samantha Maislin Dickson: Among others, yes, that is correct.

Mr. Dane Lloyd: Are you saying, then, that the Emergencies Act was necessary in order to suspend charter rights against unreasonable search and seizure under section 8?

Ms. Samantha Maislin Dickson: I appreciate that, and you are correct. The Emergencies Act explicitly makes reference to compliance with the charter. While we benefit in Canada from very important charter protections, none of them are absolute and they are subject to reasonable limitations.

Mr. Dane Lloyd: Before the invocation of the Emergencies Act, you're saying you couldn't have seized people's bank accounts without a court order, but the Emergencies Act allowed the government to suspend that provision of the charter and suspend charter rights in order to seize people's bank accounts.

Ms. Samantha Maislin Dickson: The measures that were put in place were targeted measures to address the situation that had been evolving and led to the declaration. While there are charter protections, reasonable limits can be put on those rights in order to effectively deal with a situation.

Mr. Dane Lloyd: Would that also carry over to section 2(c), which is the right to peaceful assembly? Whether this was an illegal protest or not—you haven't said clearly either way—was the Emergencies Act necessary to suspend section 2(c) of the charter to allow law enforcement to break up a protest?

Ms. Samantha Maislin Dickson: The matters are before the court. There's litigation that has been launched.

The assessment was that what had been taking place was no longer a peaceful assembly. There were specific, very targeted criteria set out to identify what activities would be captured by the emergency measures regulations that were put in place, specifically, the serious disruption of the movement of persons or goods, or the serious interruption of trade.

The Chair: Thank you very much.

Now we'll move to Mr. Zuberi.

Sir, you have five minutes in this slot. Please proceed when you're ready.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair, and thanks to all the witnesses for being here.

We've heard a lot about the Emergencies Act being used. We've heard a lot about confounding it with the War Measures Act, which is not accurate. I'd also like to acknowledge that after September 11, 2001, there was a whole piece of legislation brought in, which received royal assent on December 18, 2001, called the Anti-terrorism Act. Fast-forwarding to today, I recognize that we were dealing with an exceptional situation, a situation that, as we heard from many of the witnesses, we weren't able to deal with at that moment in time as a country. Thankfully, we have now.

That being said, I'd like to also get it on the record that several police associations, including the Canadian Association of Chiefs of Police, the Ontario Association of Chiefs of Police and the National Police Association, wrote to Minister Blair, pleading for and supporting the Emergencies Act, which I think is important for all of us to recognize.

All of that being said, I would like to go to the representative from Finance, please.

Can you please share with us how many bank accounts were frozen when the Emergencies Act was in use?

• (1425)

Mr. Richard Bilodeau: Based on the information we have, to the best of our knowledge approximately 260 accounts were frozen during the period of February 15 to February 23, when the Emergencies Act was revoked. That represents a total of about \$7.8 million.

Mr. Sameer Zuberi: Are those accounts that were frozen not frozen anymore?

Mr. Richard Bilodeau: To the best of our understanding, all of the accounts that were frozen as a result of the Emergencies Act order have been unfrozen. It's likely that some accounts are still frozen because of other activity, whether a provincial court order or other reasons, but under the Emergencies Act, all those accounts have been unfrozen.

Mr. Sameer Zuberi: Great.

Was there a minimum threshold, such as \$100 or \$500, for an account to be frozen? Was there a threshold?

Mr. Richard Bilodeau: There was no threshold in the economic measures order. Maybe we can refer to the RCMP here. I can tell you that the RCMP communicated that the information that was shared with financial institutions limited itself to people who were influencers of illegal assemblies as well as owner-operators of trucks that were physically present in Ottawa.

That's the information that was provided on whose accounts were frozen. There was no targeting of donors to freeze their accounts.

D/Commr Michael Duheme: I can confirm what Monsieur Bilodeau just said.

Mr. Sameer Zuberi: Thank you.

Today we heard that accounts were unfrozen. Was there a mechanism for those who had their accounts frozen to attempt to unfreeze their accounts during that period of time?

Mr. Richard Bilodeau: People who may have found themselves with a frozen account could have reached out, or maybe did reach out, to financial institutions to engage in a conversation with them. If people had their accounts frozen and, for example, decided to leave the illegal assembly, they could have had a conversation with their financial institution, and then the financial institution could also have had a conversation with the RCMP in that situation.

Mr. Sameer Zuberi: Great. From a civil liberties perspective, I'm happy to hear that this is essentially a moot point today.

I'll shift to the Department of Justice now. With respect to the Emergencies Act, when it came into force, was it possible to retroactively freeze accounts at that point in time for those who donated or attended the convoy?

Ms. Samantha Maislin Dickson: No, there was no retroactive impact of either the emergency measures regulations or the emergency economic measures order. They came into effect on the 15th. The declaration itself was issued on the 14th, but the effective date for the two subordinate pieces of legislation was the 15th.

Mr. Sameer Zuberi: Excellent. I'm happy to hear that there was no retroactive impact.

I'm wondering when the protest was declared illegal. Do you know offhand?

Ms. Samantha Maislin Dickson: There were specific criteria set out in section 2 of the emergency measures regulations that added detail around what would be considered an offence under the regulation. If you give me just a moment, I will go back—

The Chair: I'm sorry. I wish I could, but I can't.

Thanks, Ms. Dickson.

Ms. Samantha Maislin Dickson: All right.

Thank you, Chair.

The Chair: Now we'll go to Ms. Michaud.

Ms. Michaud, you have two and a half minutes. The floor is yours.

• (1430)

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

First, I want to take a moment—I should have done this earlier—to thank the police officers for their work in dismantling the Ottawa siege. I am very grateful to them. I've spoken to several of them over the last few days, and I know they worked very hard.

I will address you, Mr. Duheme. In a CBC/Radio-Canada article published on February 22, you stated that the RCMP had been consulted about the various temporary powers that had been granted to police forces under the Emergencies Act. You said that if the government decided to repeal the act tomorrow, you would go back to the traditional tools. You also said that it was difficult to quantify their use, especially in a context where police were also using existing laws and powers granted by municipal and provincial governments.

In light of all of that, would you say that with the coordination of the seven police forces that we saw in Ottawa, you would have been able to resolve the crisis with the traditional tools, existing laws and powers granted by municipal and provincial governments, without necessarily resorting to the Emergencies Act?

D/Commr Michael Duheme: So you read the article written by Daniel Leblanc.

Ms. Kristina Michaud: That's right. I've done my homework.

D/Commr Michael Duheme: Quite frankly, if I were to give you an answer, I think I would just be guessing. I think the Emergencies Act also discouraged people from coming to Ottawa because of the possible consequences, the perimeter erected and the fact that access to the Hill was made much more difficult.

Under the Emergencies Act, yes, people were not allowed to enter that perimeter. However, we were able to conduct operations in Alberta and Windsor without having to invoke the Emergencies Act.

That said, the dynamics are always different from place to place, and what we saw here in Ottawa was unprecedented. In other protests that took place, like in Quebec City and Toronto, people were able to benefit from the information we gained here, including how people got in, to better manage the situation.

Ms. Kristina Michaud: As I understand it, practically speaking, the additional tools that the act gave to police forces may not have been used on the ground, but the idea of the Emergencies Act may have discouraged people from coming to Parliament Hill. The powers it gave to the police—

[English]

The Chair: Thank you, Ms. Michaud. I'm sorry, but we're prisoners of the clock.

I will move to Mr. MacGregor.

You have two and a half minutes. Go ahead, please.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

Maybe I'll turn to Ms. Dickson.

There has been a lot of discourse over the last number of weeks about whether this was a peaceful protest, a legitimate assembly of people, or whether it was an illegal occupation.

We have clearly established that the laws are on the books and there was a question of whether they could be adequately enforced. I hope all committee members would agree with me that it's illegal for me to just park my vehicle and impede traffic and that it's illegal to harass citizens, to hurl verbal abuse, etc.

Ms. Dickson, what I want to focus on is the Conservative government of Premier Doug Ford, because when he invoked the state of emergency in Ontario on February 11, he specifically referenced it being an illegal occupation. That was on February 11, three full days before the federal declaration of emergency.

Can you inform the committee on what basis the Premier of Ontario declared this to be an illegal occupation? Was he referencing at that time specific provincial laws that were being broken?

Ms. Samantha Maislin Dickson: Unfortunately, I don't have any information as to what went into the provincial determination, other than the facts that were being witnessed by everyone.

Mr. Alistair MacGregor: Okay. Thank you. It seems we very clearly have a disconnect between the federal Conservative Party and the provincial Conservative Government of Ontario. That's very clear.

I will turn to the CBSA, because we have kind of left you out. Mr. Harris, I have only about 30 seconds left. Can you just quickly inform us what it was like for your officers when they were dealing with those illegal border blockades?

Mr. Scott Harris (Vice-President, Intelligence and Enforcement Branch, Canada Border Services Agency): I'm going to turn to my colleague Mr. Vinette, who's responsible for port of entry operations.

Mr. Denis Vinette (Vice-President, Travellers Branch, Canada Border Services Agency): Thanks for turning your attention to us, I guess.

First and foremost, we looked at our officers' personal safety. That's where it initially started. We looked to make sure the perimeter of each of our ports of entry was secure. We worked with local police. Only on two occasions were our premises breached, but through conversations with the protesters and others, we were able to make it clear that they couldn't be in that space. They moved away from it, and—

• (1435)

The Chair: Thank you, sir.

Colleagues, we have two slots left.

Ms. Dancho, the first of the two remaining slots is yours, and you have five minutes.

Ms. Raquel Dancho: Thank you, Mr. Chair.

I'll follow up a bit on that line of questioning from my colleague, Mr. Lloyd, with Ms. Maislin Dickson. Can you explain for the committee a bit more in depth...?

My understanding is, in order to violate charter rights, or to infringe upon them, the Oakes test needs to be met. In essence, the test requires that the punishment be proportionate to the law-breaking. That's not very well explained, but that's my understanding.

Can you confirm that this is the threshold that has to be met?

Ms. Samantha Maislin Dickson: Yes. For the majority of the charter rights, to the extent that there would be any infringement upon those rights, it would need to be reasonable in a democratic society. That's set out in section 1 of the charter.

There are a couple that have that proportionality piece built into the establishment of the right itself, like section 7.

Ms. Raquel Dancho: Have you had any discussions with your governing counterparts regarding whether the freezing of bank accounts was proportionate? That was of some concern with the organizers and leaders of this, but my concern is for the individuals who may have been protesting on the sidewalk, and their having their bank accounts frozen. I wonder if that's proportionate to their infringement of the law.

Did you have any discussions about that?

Ms. Samantha Maislin Dickson: As we know, the Emergencies Act requires and explicitly states that their must be compliance with the Charter of Rights and Freedoms. All statutes, all regulations and all government action require compliance with the Charter of Rights and Freedoms.

The assessment of charter rights was that the impact and the objective being sought, which was to stop the illegal assembly, could be remedied by leaving the protest. We heard from my colleagues that all accounts have been unfrozen. It was a very temporary, very targeted measure to address the situation that was in front of the government.

Ms. Raquel Dancho: I have two questions.

When the Minister of Finance first announced these financial, bank account freezing powers, it took her just over a week to come forward publicly to say it was from February 15 onward. Were there any discussions about that? Why was that not provided to the public by the government originally?

Ms. Samantha Maislin Dickson: That I cannot answer. I'm sorry.

However, in terms of the orders, we were briefing parliamentarians on February 15 as the orders were made public, and we were quite clear that they had come into effect right then.

Ms. Raquel Dancho: Yes. I remember we had a briefing together. You briefed me on that, but I thought it was odd that I was being told that information but the public was not. I wasn't sure, frankly, if you were mistaken or if the minister was withholding that information. I apologize; that's a politician's—

Ms. Samantha Maislin Dickson: I can't be putting words in the minister's mouth at all. What I can tell you is the legal effect of the instrument.

Ms. Raquel Dancho: I appreciate that.

The minister also said, and this was before the act was revoked, that if someone's account had been frozen, the remedy would be to go to the RCMP. However, you said no, the remedy would be to go to the bank to plead their case and have their account unfrozen.

Which one is it? Was the minister correct, or were you correct?

Ms. Samantha Maislin Dickson: I'll pass this to my RCMP colleagues, but for the record, I indicated that they would need to leave the assembly in order to have their account unfrozen. I didn't speak to the mechanism by which that would happen.

Ms. Raquel Dancho: I apologize. When we had our briefing, you told me that they would have to go to the bank. That's what I'm referring to, whereas the minister publicly said—

Ms. Samantha Maislin Dickson: Understood. I will leave it to my colleagues at the RCMP to speak to what actually took place as circumstances unfolded.

Ms. Raquel Dancho: Okay. Thank you.

D/Commr Michael Duheme: We provided people's names to the banks. We communicated with them and then circled back to the banks to let them know we had communicated with them, and that the funds could be released.

• (1440)

Ms. Raquel Dancho: Okay. Thank you for answering that.

I have less than a minute left. Could you provide for the committee the list of emergency powers that the RCMP used?

D/Commr Michael Duheme: I don't have a specific list with me right now, but I can tell you that when we put the perimeter up, we intercepted people who tried to come in with gas or medical supplies. To quantify everything that was done under the act, nationally at that, I don't have those numbers.

Ms. Raquel Dancho: Can you provide that list? I think it's important that the committee and parliamentarians are aware of what specific emergency powers the RCMP used. Can you commit to providing that?

The Chair: Thank you very much—

Ms. Raquel Dancho: Perhaps he could just answer my question, Mr. Chair.

The Chair: We're out of time, but if he could give a yes or a no, that would be fine.

D/Commr Michael Duheme: I can look into it to see if it's doable.

Ms. Raquel Dancho: Thank you.

The Chair: Thank you.

Mr. McKinnon, I will turn the floor over to you for the last five minutes of this meeting. Please go ahead.

Mr. Ron McKinnon: Thank you, Chair.

Ms. Dickson, Mr. Lloyd focused a great deal of his questioning on the notion of the seizure of bank accounts. The rest of the discussion generally speaks of frozen accounts.

I wonder if you could explain the difference between those two situations. Was there in fact any authorization for the seizure of bank accounts under the Emergencies Act?

Ms. Samantha Maislin Dickson: That is indeed accurate. The powers that were provided through the emergency economic measures order were to freeze accounts, to prevent access to them. They were not seized in any way in order for the government or any other party to take possession of them. They were simply inaccessible for a temporary period of time.

Mr. Ron McKinnon: There is a legal difference, then, between seizing and freezing. Could you outline that, please?

Ms. Samantha Maislin Dickson: Absolutely. Seizing has to occur pursuant to authorities to do that. It often results in the person who has seized taking possession, although not in all circumstances. In the case of freezing, it is the banking institution.

I would turn to my Finance colleagues to speak more about it in terms of the mechanisms of how it took place. It was simply not rendering the accounts accessible. They may have additional details to offer.

Mr. Ron McKinnon: Mr. Lloyd also spoke about the requirements for seizing such assets. I'm wondering what might be the normal recourse to pursue for engaging in the freezing of assets.

Ms. Samantha Maislin Dickson: Ontario sought an injunction against a number of accounts pursuant to a provision of the Criminal Code that wasn't available to the federal Crown.

I would note that in the case of the protesters we were witnessing, there were a number of injunctions in place, one by private citizens in Ottawa and another by the City of Ottawa, that were not being abided by, notwithstanding there having been court authorization.

Mr. Ron McKinnon: What I'm hearing as the bottom line is that the invocation of the Emergencies Act did not, in fact, authorize any seizures, and in fact no seizures of bank accounts transpired under this invocation.

Ms. Samantha Maislin Dickson: The authority that was granted pursuant to the order was to freeze. I'll let my colleague from Finance explain what the effects of that were.

Mr. Richard Bilodeau: Ms. Dickson's description is accurate. The banks rendered those accounts inaccessible for the duration of the freezing, if we can call it that. There was never any seizure of those funds, as far as I understand it, not under the Emergencies Act order.

Mr. Ron McKinnon: Thank you.

I'll move on here a bit and go back to Ms. Dickson.

The Charter of Rights and Freedoms provisions for peaceful assembly are certainly important. I'm wondering whether there was anything in the invocation of the Emergencies Act that constrained peaceful assembly.

Ms. Samantha Maislin Dickson: No. It was not targeted in any way, shape or form at peaceful assembly. It was specifically with respect to the criteria set out in section 2 of the emergency measures regulation.

Mr. Ron McKinnon: For assemblies that are essentially peaceful, protests that are peaceful and protests that are basically law-abiding, there is no way that those particular kinds of circumstances would have been brought into the umbrella of the Emergencies Act.

• (1445)

Ms. Samantha Maislin Dickson: That is accurate. Freedom of expression and peaceful assembly are fundamental freedoms that are indeed protected by the Charter of Rights and Freedoms.

Mr. Ron McKinnon: Yes, so I guess that's really important in the writing of the Emergencies Act and, of course, the implication of it is that it explicitly guarantees the continuance of the rights that are laid out in the charter. Would you agree with that?

Ms. Samantha Maislin Dickson: Absolutely, and we know that its predecessor, the War Measures Act, did not have that explicit provision. It's my understanding that it was made explicit in the Emergencies Act to provide that contrast, but I would also offer, as I indicated earlier, that all government actions, from the making of laws to regulations to implementation, are always subject to charter compliance.

The Chair: Thank you very much. That takes us to the end of the session.

I'd like to thank the witnesses. I can only imagine how busy this time has been for all of you, and you've been generous with your time. On behalf of the members of the committee and all parliamentarians, thank you for your public service, and thank you for your appearance this afternoon or this morning, depending on where you are in this country.

Colleagues, is the committee in agreement to adjourn the meeting before I say that I look forward to the weekend and I really look forward to seeing all of you on Tuesday morning?

The meeting is adjourned.

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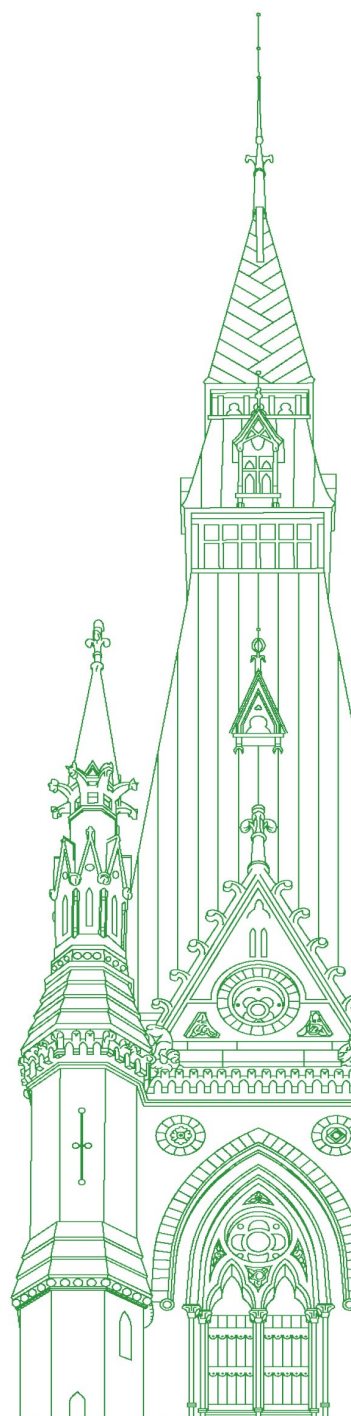
Standing Committee on Finance

EVIDENCE

NUMBER 022

Thursday, February 24, 2022

Chair: Mr. Peter Fonseca



Standing Committee on Finance

Thursday, February 24, 2022

● (1430)

[English]

The Chair (Mr. Peter Fonseca (Mississauga East—Cooksville, Lib.)): I call this meeting to order.

Welcome to meeting number 22 of the House of Commons Standing Committee on Finance.

Pursuant to the motion adopted in committee on Thursday, February 17, the committee is meeting to study the invocation of the Emergencies Act and related measures.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website. The webcast will always show the person speaking rather than the entirety of the committee.

Today's meeting is also taking place in a webinar format. Webinars are for public committee meetings and are available only to members, their staff and witnesses. Members enter immediately as active participants. All functionalities for active participants remain the same. Staff will be non-active participants, and can therefore view the meeting only in gallery view. I would like to take this opportunity to remind all participants at this meeting that screenshots and taking photos of your screen are not permitted.

Given the ongoing pandemic situation, and in light of the recommendations from the health authorities as well as the directive of the Board of Internal Economy on October 19, 2021, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing, must wear a non-medical mask when circulating in the room—it's highly recommended that the mask be worn at all times, including when seated—and must maintain proper hand hygiene by using the provided hand sanitizer at the room entrance.

As the chair, I will be enforcing these measures for the duration of the meeting. I thank members in advance for their co-operation.

To ensure an orderly meeting, I would like to outline a few rules to follow. Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of either the floor, English or French. If interpretation is lost, please inform me immediately and we will ensure that interpretation is properly restored before resuming the proceedings. The “raise hand” feature at the bottom of the screen can be used at any time if you wish to speak or alert the chair.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the Board of Internal Economy's guidelines for mask use and health protocols.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. When speaking, please speak slowly and clearly. When you're not speaking, your mike should be on mute. Just as a reminder, all comments by members and witnesses should be addressed through the chair.

With regard to a speaking list, the committee clerk and I will do the very best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

This meeting is scheduled for a longer duration today. In consideration of the fact that our witnesses may not get an opportunity to leave their virtual set-up, at around the halfway mark of the meeting I'll suspend the meeting for a five-minute health break.

Members, before I introduce the witnesses, I understand that we have an agreement among our committee to speak about the situation in Ukraine.

Parliamentary Secretary Beech, I see your hand up. Please go ahead.

Mr. Terry Beech (Burnaby North—Seymour, Lib.): Mr. Chair, thank you for giving me an opportunity to speak and to address the news of Russia's unprovoked attack on Ukraine.

Our government, the Prime Minister and the Deputy Prime Minister condemn, in the strongest possible terms, Russia's egregious attack on Ukraine. These unprovoked actions are a clear further violation of Ukraine's sovereignty and territorial integrity. They are also in violation of Russia's obligations under international law and the charter of the United Nations.

Canada calls on Russia to immediately cease all hostile actions against Ukraine and withdraw all military and proxy forces from the country. Ukraine's sovereignty and territorial integrity must be respected. The Ukrainian people must be free to determine their own future.

Earlier this morning the Prime Minister met with G7 partners. Our government will continue working closely and quickly with NATO and our allies to collectively respond to these reckless and dangerous acts, including by imposing significant sanctions in addition to those already announced. In the face of these attacks on Ukraine, Canada will take additional action to stop Russia's unwarranted aggression.

We continue to stand with Ukraine, its people and the Ukrainian Canadian community here in Canada. Russia's brazen acts have profound human consequences and will not go unpunished.

With your permission, Mr. Chair, I'd invite my other honourable colleagues to speak, if they would care to do so.

Thank you very much, Mr. Chair.

• (1435)

The Chair: Thank you, Parliamentary Secretary Beech.

I do have some hands up. I have MP Lawrence, MP Ste-Marie and then MP Blaikie after that.

Please go ahead, MP Lawrence.

Mr. Philip Lawrence: Thank you, Chair.

We share in the government's condemnation of this unprovoked attack on the people and the country of Ukraine. The attack is a violation, of course, of Ukraine's sovereignty. It's also a violation of international norms and of the system on which Canada and the western world's prosperity has been built—the most prosperous time in recent history.

Putin must immediately cease his attack and withdraw all military forces. Failing to do that would undermine the international system, which Canada played a key part in establishing after World War II, that has been, as I said, the foundation of our peace and prosperity.

As Canadians, we need to commit ourselves to the strengthening of our own security, including the Arctic, and to the renewal of commitments to NATO.

Conservatives, parliamentarians and Canadians all stand with the Ukrainian people in this, one of their darkest hours. Our thoughts and prayers are with the people of Ukraine.

The Chair: Thank you, MP Lawrence.

Now we'll hear from MP Ste-Marie.

[Translation]

Mr. Gabriel Ste-Marie (Joliette, BQ): Thank you, Mr. Chair.

Fellow members, it's now my turn to take the floor to strongly condemn Russia's attack against Ukraine. What is happening is terrible. Soldiers will die. Civilians will die. In fact, at this very moment, the people of Ukraine are being attacked, invaded and bombed. We haven't even turned the corner on the pandemic yet, and we have been plunged into a world at war. Well, war has broken out in Europe, that's a fact—a terrible one, but a fact nevertheless.

We stand united with the Ukrainians, and we support them fully. It is a sad day for humanity, and dark days are on the horizon. I would like to tell the Russian president that it's not too late to put an end to this madness. Sadly, I don't believe that's true.

Therefore, with a broken heart, I will instead address the people of Ukraine: our hearts go out to you, and we will do whatever we can to come to your assistance. It's our responsibility as human beings. In these hard times, know that you are not alone.

[English]

The Chair: Thank you, MP Ste-Marie.

Now we'll hear from MP Blaikie.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you very much, Mr. Chair.

I want to take this opportunity to condemn in the strongest possible terms the actions of Russia in violating the sovereignty and the territorial integrity of Ukraine, and call on Russia to cease all aggression against Ukraine and withdraw all of its troops.

Our thoughts right now, as New Democrats and members of the House of Commons and Canadians, are with the Ukrainian people, who are suffering this invasion of their country, and with all of the people here in Canada and across the world who have friends and loved ones in Ukraine who are worried about their well-being.

I think this also tells us something important about Russia under the leadership of Vladimir Putin. We have to recognize that the war isn't happening just physically. We know that Russia has also been very active in the digital space, in Ukraine and indeed here in Canada, spreading disinformation. Russia's actions in Ukraine are also related to a larger campaign to sow discord in the west. I think that's something we need to bear in mind. We need to be cautious of the influence Russia is having here at home through social media and other avenues where it can spread disinformation to try to keep people distracted while it pursues the very real agenda of territorial expansion in Ukraine.

Thank you for the opportunity to put these thoughts on the record at a very bleak time in the world's history, Mr. Chair.

• (1440)

The Chair: Thank you, MP Blaikie.

MP Lawrence, you have your hand up. Go ahead.

Mr. Philip Lawrence: First, I'd like to thank all the members for their excellent statements.

Second, because we were unable to get the RCMP here today and have just FINTRAC, who already testified at some length at the public security committee, I'm wondering if we would move this from a three-hour meeting to a two-hour meeting.

The Chair: I'm seeing a lot of hand clapping and thumbs up from everybody. We love you, FINTRAC, but yes, two hours is the time we will have with FINTRAC today.

Thank you, MP Lawrence, and members for those bold, strong statements showing Canada's support for Ukraine. I can tell you that, here at home, my wife is of Ukrainian descent. In my riding of Mississauga East—Cooksville, we have a large Ukrainian diaspora community. "*Slava Ukraini, Slava Canada*" I hope I said that right. I'll hear from MP Baker on that, I am sure.

At this time, I would like to introduce our witnesses for today. We have FINTRAC with us, the Financial Transactions and Reports Analysis Centre of Canada. We have Donna Achimov, the deputy director and chief compliance officer of the compliance sector, and Barry MacKillop, the deputy director of intelligence.

You now have an opportunity to make an opening statement for members and then we will go to questions. Thank you.

Mr. Barry MacKillop (Deputy Director, Intelligence, Financial Transactions and Reports Analysis Centre of Canada): Thank you, Mr. Chair.

I'd like to start by acknowledging the statements of the members on the situation in Ukraine.

I want to thank you, Mr. Chair, for inviting FINTRAC to participate in your review of the Emergencies Act, which was revoked by the federal government yesterday afternoon. As you mentioned, I am joined today by Donna Achimov, who is our chief compliance officer, as well as the deputy director responsible for compliance.

[Translation]

As committee members know, FINTRAC is Canada's financial intelligence unit, and anti-money laundering and anti-terrorist financing regulator.

We are responsible for ensuring the compliance of more than 24,000 businesses that have requirements under the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, including financial institutions, casinos and money services businesses.

FINTRAC has a robust, risk-based approach in place to ensure that businesses fulfill their requirements, such as identifying clients, keeping records and reporting certain types of financial transactions, including international electronic funds transfers, large cash transactions, large virtual currency transactions and suspicious transactions.

[English]

With the reporting that we receive from businesses subject to the act, and when appropriate thresholds are met, FINTRAC provides actionable financial intelligence to Canada's police, law enforcement and national security agencies in support of their money laundering and terrorist financing investigations. Our financial intelligence disclosures are often based on hundreds, or even thousands, of financial transactions. These disclosures may show links between individuals and businesses that have not been identified in an investigation and may help investigators refine the scope of their cases or shift their sights to different targets.

A disclosure can pertain to an individual or a wider criminal network, and can also be used by police and law enforcement to put together affidavits to obtain search warrants and production orders. In total, last year, FINTRAC provided more than 2,000 disclosures

of actionable financial intelligence in support of investigations related to money laundering, terrorist activity financing, and threats to the security of Canada. Since becoming operational in 2001, the centre has provided more than 22,000 financial intelligence disclosures to Canada's police, law enforcement and national security agencies.

In 2020-21, our financial intelligence contributed to 376 major resource-intensive investigations and many hundreds of other individual investigations at the municipal, provincial, federal and international levels. These agencies continue to seek our financial intelligence in record numbers. FINTRAC received 2,109 voluntary information records from Canada's police, law enforcement and national security agencies last year. These records contain information on alleged criminals and terrorist financiers, and are often the starting point for our analysis and the financial intelligence that we are able to generate and disclose.

Many of the recipients of our disclosures have told us that they would not start a major project-level investigation without seeking out our financial intelligence.

Mr. Chair, under the emergency economic measures order, certain businesses, including financial entities, money services businesses, crowdfunding platforms and payment service providers, were required to take specific actions in relation to the financial activity of individuals who were engaged in the blockades, as laid out in the emergency measures regulations. For example, crowdfunding platforms and payment service providers were required to register with FINTRAC when they were in possession or in control of property that was owned, held or controlled by an individual or entity who was engaged in an activity that was prohibited in the emergency measures regulations.

Following the invocation of the Emergencies Act, a number of crowdfunding platforms and/or payment service providers began the registration process with FINTRAC. This has, however, now been halted with the revocation of the Emergencies Act. Crowdfunding platforms and payment service providers that were required to register with FINTRAC were also required to report suspicious transaction reports, large cash transaction reports, international electronic funds transfer reports and large virtual currency reports when thresholds set out in the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and its regulations were met. This, too, has been halted with the revocation of the Emergencies Act.

As a financial intelligence unit, and under our legislation, we cannot speak to the reporting that we receive from businesses or the financial intelligence specifically that we provide to Canada's police, law enforcement and national security agencies.

Mr. Chair, I want to be very clear about FINTRAC's mandate. As one of 13 federal departments and agencies that play a key role in Canada's anti-money laundering and anti-terrorist financing regime, FINTRAC was established as an administrative financial intelligence unit, not a law enforcement or investigative agency. We do not have the authority to monitor or track financial transactions in real time, freeze or seize funds, ask any entity to freeze or seize funds, or cancel or delay financial transactions. This was done very deliberately by the Parliament of Canada to ensure that we would have access to the information needed to support the money laundering and terrorist financing investigations of Canada's police, law enforcement and national security agencies, while protecting the privacy of Canadians. This did not change under the Emergencies Act or the emergency economic measures order.

• (1445)

[Translation]

We are committed to working with Canadian businesses and our domestic and international partners to protect the safety of Canadians and the integrity of Canada's financial system.

Thank you. We are now ready to take your questions.

[English]

The Chair: Thank you, Mr. MacKillop and Ms. Achimov.

We are now moving to our first round of questions from members. Each party will have up to six minutes to ask questions.

We're starting with the Conservatives and MP Lawrence. You're up for six minutes.

Mr. Philip Lawrence: Thank you very much.

I'd like to thank Mr. MacKillop for his excellent opening statement and, I might say, his strong testimony at the public safety committee, which I've had the opportunity to review.

I want to summarize some of the testimony you've already given so that it's clear to Canadians. Now, in the emergencies measures act, they sought to give you...I don't want to say "authority", because it's probably the incorrect word. They sought to give you the additional ability, as registrars, to get information from cryptocurrency and from crowdsourcing platforms.

Prior to the act—and the way it stands now, because it's been revoked—they weren't required to be registrants, and therefore you weren't getting information from them directly. Is that correct?

Mr. Barry MacKillop: It's correct for the crowdsourcing. They are not considered reporting entities. Crypto dealers, however, virtual currency dealers, are in fact registered with FINTRAC. They have been reporting to us since 2020.

Mr. Philip Lawrence: Okay.

Those would constitute the intermediaries, for lack of a better term, the companies like Wealthsimple, but peer-to-peer cryptocur-

rencies aren't currently required to be registered. Am I correct on that?

• (1450)

Mr. Barry MacKillop: You are correct. Peer-to-peer is not covered. When the transactions go through a virtual currency dealer and we see large cash transactions or large purchases, for example, of crypto, or disbursements of crypto money, that is reported to us.

I can defer to Donna if she would like to add anything else, as she is responsible for the compliance sector.

Ms. Donna Achimov (Deputy Director, Chief Compliance Officer, Compliance Sector, Financial Transactions and Reports Analysis Centre of Canada): Thank you.

That's correct. It's virtual currency dealers, not one-to-one virtual currency dealers.

Mr. Philip Lawrence: Okay. Thank you very much.

That being said, though, if I understood your testimony at the public safety committee—and let's just stick with crowdsource funding here, even though they aren't direct registrants—you do sort of have eyes on those transactions through other means, such as through Stripe and Interac, and the money flows into, and I guess out of as well, a crowdsourcing platform.

Have I understood that?

Mr. Barry MacKillop: Yes. Anytime a crowdfunding platform got used, there would be a touchpoint at a financial institution. There would be a requirement, if you were setting up a page or if you were receiving the donations in order to disburse them to others, for a touchpoint at a bank. There would be a financial institution in a position as a reporting entity to report transactions to us if they were threshold transactions or if there were reasonable grounds to suspect that the transactions were relevant to a money-laundering or terrorist-financing activity.

Mr. Philip Lawrence: Thank you very much.

My next question builds on that. The emergency measures act in-vocation gave you the ability to make crowdsourcing a registrant, but I suspect you weren't able to get very far in those four or five days. I also suspect it had very little impact on the actual disbursement of the illegal protest.

As far as you can comment on that—I realize there might be some limitations—I'd really appreciate your thoughts on it.

Mr. Barry MacKillop: Mr. Chair, the member is correct that we would have started the preregistration process, but within a week there's only so much that can be done by way of registration. At the preregistration stage, anybody who or any platform or any payment service provider who pre-registered would have been in the position to report to FINTRAC if they had reasonable grounds to suspect that the money they were seeing was relevant to a money-laundering or terrorist-financing activity.

That being said, the goal of the emergency measures act was really to choke off the funding to what was determined to be the illegal blockades, and in fact it did serve its purpose. In—

Mr. Philip Lawrence: Sorry, but that didn't go through your body. That was directly from law enforcement to the financial institutions. FINTRAC really didn't get involved at all in the cessation of funding—unless I'm incorrect. Please do correct me if I'm wrong.

Mr. Barry MacKillop: No, that is absolutely correct. FINTRAC was not involved at all. The point was simply that once the funds were frozen in the financial institutions, there would be no transactions to report to FINTRAC. There would be no transactions through those bank accounts, because the accounts themselves were frozen.

Mr. Philip Lawrence: Mr. Chair, my time is coming to an end, I assume.

The Chair: You have one minute, MP Lawrence.

Mr. Philip Lawrence: Perfect.

I realize you'll have only 30 seconds for this, but perhaps you could talk about it later. As we prepare for the eventual inquiry and greater study of this, I'm wondering if you had any learnings from that week or five days about what it would take to implement crowdsourcing. Are there things you learned during that period that you could share with the committee?

Mr. Barry MacKillop: I do like to think that we learn all the time, but I'm not sure we've had enough time to really dig in deeply to see either the best way or the value of the reports that would come from crowdfunding platforms, for example. We anticipate that there would be, and we anticipate continuing discussions with them.

I certainly don't want to talk for my colleague Donna, but I anticipate that we will continue to explore with payment service providers and crowdfunders and others on the best way to ensure or enhance the coverage in Canada to enhance the efficiency and effectiveness of our anti-money laundering regime.

The Chair: Thank you, MP Lawrence.

We're now moving to the Liberals.

MP Dzerowicz, you have six minutes.

Ms. Julie Dzerowicz (Davenport, Lib.): *Duzhe dyakuyu.* Thank you very much, Mr. Chair.

I want to start off with my own very short statement. As a Ukrainian Canadian as well as the vice-chair of the Canadian NATO Parliamentary Association, I also strongly condemn Russia's unprovoked attack on Ukraine, which has already claimed too many lives and continues to put countless civilian lives at risk.

I stand in complete and absolute solidarity with the people of Ukraine and its legitimate, democratically elected government and parliament. I'm glad...and unequivocally support our Prime Minister, our Deputy Prime Minister and in fact all leaders of our federal government who are condemning Russia's actions today. As well, I fully support our commitment to apply the strongest sanctions possible and to do all we can to continue to support Ukraine moving forward.

With that, Mr. Chair, I want to say a huge thanks to our two guests today.

Thank you so much for your work. Thank you for coming before us today.

The Deputy Prime Minister has announced that she intends to put forward legislation that will empower FINTRAC to have oversight over crowdfunding and cryptocurrency platforms without the need for the Emergencies Act. Would you support such a change?

• (1455)

Ms. Donna Achimov: Maybe I'll take that question.

That really is dependent on the Deputy Prime Minister and Minister of Finance. If that is to come to pass, we will obviously put in place the mechanisms of support.

Ms. Julie Dzerowicz: Thank you.

Continuing with Mr. Lawrence's last question and your comment right now, the Deputy Prime Minister has already made this public commitment to put forward legislation to make this permanent. Is there anything you recommend or you want to make sure this legislation contains?

I'm wondering if there's any recommendation you would make based on, as Mr. Lawrence put it, "learnings"—for instance, you want to make sure it covers online crowdfunding platforms, or cryptocurrencies, or it specifically does something. Is there anything you would recommend at this point?

Ms. Donna Achimov: I appreciate the question. These are certainly extensions of what we currently have in place, which are virtual currency dealers associated with money services businesses.

We would not only continue to leverage the brief experiences my colleague indicated but would also look to do some research internationally. We have our Five Eyes colleagues, who are equally seized with the movement of virtual currencies and these technologies and these platforms. We would provide any advice. I can't go into details on the provision, but certainly they would be informed by research and experience of not only this brief event but our colleagues internationally as well.

Ms. Julie Dzerowicz: That was a very, very helpful answer. Thank you so much.

When the Emergencies Act was put in place and FINTRAC was given new powers to monitor the online crowdfunding platforms and other payment providers, did FINTRAC have—this might sound odd—the capacity to be able to do the work with regard to the online platforms and the cryptocurrencies?

Ms. Donna Achimov: Mr. Chair, that's a very good question.

FINTRAC is a small and mighty organization, and we have many reporting entities. As my colleague Barry indicated, we have 24,000 reporting entities. What we do is allocate resources to where they're needed most. In this case, we were agile and we were able to redistribute our resources to what the priority of the day was.

Ms. Julie Dzerowicz: Thank you so much, Mr. Chair. I appreciate that answer and I want to make sure that my intention was well taken and understood.

As we're moving forward, how do we ensure that there continues to be the necessary capacity and resources with any type of permanent legislation?

So that I can be clear, what FINTRAC was able to do with the Emergencies Act was, basically, that should there have been any information that was gathered, it would have been provided by FINTRAC directly to the RCMP and/or financial institutions. Can you confirm that? Is there anyone else that the information might have gone to?

• (1500)

Mr. Barry MacKillop: Thank you for that and for the opportunity to provide a bit of clarification.

We would not have reported anything. We do not give anything to financial institutions. We, in fact, receive the reports from them. We do not monitor, per se. We do not investigate.

Once the reports are received, if they meet our threshold, which is reasonable grounds to suspect they would be relevant to a money laundering or terrorist financing activity, we would disclose that to law enforcement. It could be to the CBSA, as well, or CSIS or CSE. We have a number of authorized and legislated disclosure recipients to whom we can disclose, and we would disclose the reports to whichever law enforcement jurisdiction or whichever appropriate designated recipient would benefit most from the actionable intelligence.

Ms. Julie Dzerowicz: Thank you.

I know that's a wrap, Mr. Chair.

The Chair: Yes, that is a wrap. Thank you, MP Dzerowicz.

We are moving to MP Ste-Marie for six minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Good afternoon, Ms. Achimov and Mr. MacKillop.

I would like to commend my fellow members on their statements. The one made by Ms. Dzerowicz was particularly touching and heartfelt.

Before discussing the Emergencies Act itself, I would like to properly understand what FINTRAC does when accounts are frozen.

I'm going to give you a hypothetical situation to make sure that I have understood correctly. Let's say that a financial institution observes a suspicious money transfer or suspicious activity in an account. Under the ordinary legislation, the institution can freeze the account and then report it to you. On your end, after analyzing the situation, you conduct a follow-up. Is that correct?

Mr. Barry MacKillop: Thank you for the question.

That's not quite correct. We do not give any instructions to the financial institutions. We are not at all involved in the freezing of accounts or anything of that nature.

In a case like the one you are describing, normally, under the law, financial institutions can submit suspicious transaction reports to us if they suspect that the transactions in question are tied to money laundering or the financing of terrorist activities. Otherwise, we do not receive reports.

In this case, under the Emergencies Act, financial institutions were able to freeze accounts after receiving information from the RCMP to that effect. This was done without us having been made aware of the freezing of the accounts or informed of the accounts involved. We are not at all involved in this aspect of the emergency economic measures.

Mr. Gabriel Ste-Marie: Thank you very much for your response, Mr. MacKillop.

I just want to make sure that I have understood correctly.

In normal times, without the Emergencies Act, when a financial institution suspects that a criminal act has been committed under the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, the institution reports it to you. What you just explained to us is that the activities in question in this case do not fall under this act. Since the financial institutions froze accounts under the Emergencies Act, they did not submit a report to you.

Is that correct?

Mr. Barry MacKillop: That is correct.

Mr. Gabriel Ste-Marie: Okay, thanks.

In normal times, how many reports do you receive annually from financial institutions? I believe that you already said it, but could you remind me of the number?

Mr. Barry MacKillop: Every year, we receive some 30 million reports from all entities. Financial institutions send 80% to 90% of these reports.

Concerning suspicious transaction reporting, I believe that we received about 460,000 reports of this nature from all entities last year.

Mr. Gabriel Ste-Marie: Okay. My takeaway from that is that FINTRAC isn't hurting for work. I congratulate and thank you for the work that you do.

To your knowledge, have some financial institutions been able to freeze accounts under the ordinary legislation, particularly the money laundering act, and report them to you?

I don't know whether my question was clear.

• (1505)

Mr. Barry MacKillop: Thank you for the question.

I'm not an expert in the legislation governing banks, but I believe that financial institutions have the power to decide on the risk level they are willing to expose themselves to when working with their clients. Therefore, if a client exceeds that risk level, it's up to the financial institution to decide whether or not to freeze the account or no longer do business with the client.

Can that be noted in a suspicious transaction report that would be sent to us? Yes, it's possible, because there is a section in the report that notes the actions undertaken by the financial institution or any other reporting entity. Therefore, a note could indicate that the account was frozen, or even that the institution disengaged owing to the financial risks the individual represents, which means that the institution decided to no longer do business with them.

That's information that becomes relevant for police because, if they wish to obtain an order for production, it's important to know whether the account still exists and is still active. That is part of the information that we provide to law enforcement agencies, if we have it.

Mr. Gabriel Ste-Marie: Okay, thank you.

As part of the implementation of the Emergencies Act, FINTRAC hasn't been asked directly about account freezing.

Have you received any requests, guidance or direction from the government regarding the implementation of the Emergencies Act in some way?

Mr. Barry MacKillop: Thank you for the question.

Yes, of course, but only with respect to compliance and the businesses that would be required to register with us. In the other cases, the issue concerned the enforcement of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act.

Mr. Gabriel Ste-Marie: I can see that my time is up.

Thank you.

The Chair: Thank you, Mr. Ste-Marie.

[English]

We are moving now to the NDP.

MP Blaikie, you have six minutes.

Mr. Daniel Blaikie: Thank you very much.

Had the registration process continued with crowdfunding platforms and other entities that aren't covered under your normal mandate, could you share with the committee what kinds of information you would have been able to receive as a result of completing that registration process, the reporting that would follow on that, and how you believe that information would have contributed to the

purpose of the emergency order or how that information would work within the context of your existing mandate?

Mr. Barry MacKillop: I'll start, but I'll defer to Donna if she wants to jump in with additional information.

Had it continued, the crowdfunding and payment service providers would have registered as reporting entities to FINTRAC. They therefore would have been subject to the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. They would have submitted reports as per that act.

That would have included threshold reports, as I went through earlier—into or out of Canada over \$10,000, for example—and large cash transactions of \$10,000 or more within 24 hours. They would have been able to submit suspicious transactions to us in the event they had reasonable grounds to suspect that the transactions they were looking at would be relevant to money laundering or terrorist activity financing.

That is still the limitation. The mandate was not broadened to receive reports on anything. It was broadened to allow additional entities to report transactions related to money laundering or terrorist activity financing.

Mr. Daniel Blaikie: Thank you.

Please go ahead, Ms. Achimov.

Ms. Donna Achimov: I would just add that for these new funding arms of the payment service providers as well as the crowdfunding platforms, we also had under this order a requirement for the money services businesses who were already registered with us. But if they themselves had any changes associated with their dealings, according to the act, they were required to provide us the additional information.

In other words, those who were registered still had an obligation to signal if there were any changes in their business dealings and if they had any of those clientele who were involved or covered under the order.

• (1510)

Mr. Daniel Blaikie: Okay.

I'm tempted to say, because I think it sounds reasonable, that in the end FINTRAC was not really part of the actions under the emergency orders. That may have come into play had the registration process had enough time to take place, and you may have received information, in that case, that was pertinent to the actions being taken under the authority of the emergency orders, but in fact, given the brief amount of time that those orders were in effect, FINTRAC didn't really get involved.

Is that fair to say? Or would you recharacterize that statement in some significant way?

Ms. Donna Achimov: I would say that we jumped into action as quickly as we could. As my colleague indicated, we're one of 13 organizations that had a role in this. Our role was to very quickly react, to stand up our website, to make sure that we were available. We fielded numerous queries from those organizations who weren't quite sure if they were covered. The early days in terms of being able to respond to queries and to provide clarification—that was our role. That was the early start. Each organization in turn had their respective responsibilities.

I think that's the fairest assessment in terms of the brief period of time and the fact that we did jump in rather quickly and respond to the queries.

Mr. Daniel Blaikie: Indeed. Thank you for your work. I certainly didn't mean to imply that there was no work being done by FINTRAC. I was simply trying to characterize its ultimate role in the operations that took place.

I'm curious to know whether you have an opinion on this. If the registration process had occurred and you'd received that information, or if legislative changes are made such that crowdsourcing platforms and payment processors are registered with FINTRAC on an ongoing basis, do you believe that there is a fair bit of information...or what kinds of information do you think would help you execute your normal mandate? Or do you think it's not really required and there would not be useful information? I'm curious to hear your point of view on that.

Ms. Donna Achimov: The reality is that as we look at onboarding any new reporting entities, it is a matter of learning and understanding where the risks are and how we assess those risks and the type of reporting we receive.

In any instance, in ordinary times we strive to do analysis as best we can based on the quality of the information we receive. In ordinary times, the role that my organization plays is extensive outreach and education. We reach out to the various associations and partners to try to determine leading practices and how we can continue to provide guidance and help them interpret the guidance so that we can get the quality of the reports that are needed in terms of having the necessary action taken.

My colleague mentioned earlier that we are a learning organization. We strive and we work very closely with Canadian businesses and business associations to continue to educate, refine, and adjust accordingly. It is an ecosystem of us adapting to the risk, learning, and then training in sequence.

Mr. Daniel Blaikie: Thank you very much.

The Chair: Thank you, MP Blaikie.

That finishes our first round.

We are into our second round, members, which will be led by the Conservatives.

MP McLean, you have five minutes.

Mr. Greg McLean (Calgary Centre, CPC): Thank you, Mr. Chair.

Before I start my questions, let me echo my colleagues around the committee here in condemning what's happening in Ukraine to-

day by the Russian aggressors. This is a time when democracies around the world are sliding, and we need to make sure that we stand fast with our democratic friends in the Ukraine and ensure we stop this as much as we can.

Moving to questions now, Mr. MacKillop and Ms. Achimov, thank you very much for the work you do and for being here at our committee today to give us more information.

I am going to get a little granular here with you, because you did speak, Mr. MacKillop, about how, in the week that the Emergencies Act was in force, a number of crowdsourcing organizations reached out to register with FINTRAC. My understanding of all crowdsourcing sites is that they are regulated at the provincial securities level. The decision was made not to have them report to FINTRAC because it really was a duplication of the reports that go to FINTRAC: because the money flowing into them is already regulated by at least one financial provider on the in and the out. Is that correct?

• (1515)

Mr. Barry MacKillop: Thank you for the question. I wasn't sure if Donna was going to jump in there on the regulatory side.

I believe you're correct. There is some regulation of crowdfunding, but I'm not sure and I'm not an expert on who regulates the crowdfunding platforms.

However, Mr. Chair, it is correct that there is always a touchpoint with a financial institution that is regulated by FINTRAC and that does provide reports to FINTRAC on money going through their own bank account or money being disbursed from their bank account to the person or entity who set up a page—for example, a GoFundMe page. GoFundMe would have disbursed the money, and it would have been through a bank or a financial institution.

Mr. Greg McLean: Thank you.

Then in the week when you actually were getting some requests from these crowdsourcing sites to get set up through a FINTRAC reporting mechanism, they were just going through the reporting mechanism and saying, "Something's emerging here and we're going to have to not only abide by the current regulations that are already enforced upon us by provincial securities regulators, but now we're going to have this extra regime"—like we say, belt and suspenders—"in order to get through the FINTRAC mechanisms."

Would that be an overlap and, again, what you'd call a duplication of efforts?

Ms. Donna Achimov: Maybe I'll jump in here, Mr. Chair.

I don't know if it would necessarily be a duplication of efforts; certainly, the security sector and the Ontario Securities Commission, we work very closely with. Our mandate is slightly different because we are responsible on the anti-money laundering and anti-terrorist financing piece of it.

In our early days, as I mentioned, we fielded numerous queries from both crowdfunding platforms as well as payment service providers trying to understand if they are actually required and what their requirements are. We tried to make it easy to self-assess, as well as to provide guidance from that perspective.

Mr. Greg McLean: Okay. Thank you very much.

I'm going to go back to some remarks Mr. MacKillop made here about the intent of what the government wanted to do in the Emergencies Act by shutting off funding to these organizations that were undertaking illegal activity at the time in Canada, and how that had its intended effect by cutting off funds to those organizations. The intended effect, of course, was already being done prior to the Emergencies Act through the GoFundMe cancellation, so was the Emergencies Act required in that respect in order to stop the GoFundMe type of disbursements?

Mr. Barry MacKillop: Mr. Chair, I don't think it's for me to determine or to say or to opine on the need for any legislation. However, GoFundMe did, on their own, stop the page and decided to reimburse the donors and to not allow the funding to continue through their platform.

However, my understanding was that donors then moved to a different platform—GiveSendGo, which was less perhaps co-operative in terms of saying whether or not they were going to stop the funding happening on their page. Moreover, Mr. Chair, there are a number, I would say thousands, of crowdfunding platforms around the world that are accessible. I think that in terms of the Emergencies Act and ensuring that any money that was raised through a crowdfunding platform that went through a financial institution to be disbursed to support the illegal blockades was, in fact, appropriately stopped—

Mr. Greg McLean: Okay. I'd like to ask one final question here.

The Chair: Thank you, MP McLean. We've gone well over five minutes, but thank you. You can ask it in the next round, I guess.

We are moving to the Liberals and MP MacDonald for five minutes.

Mr. Heath MacDonald (Malpeque, Lib.): Thank you, Chair. I just want to say that our thoughts and prayers are with the Ukrainian people and also with our allies and the soldiers on the ground. Hopefully this gets resolved relatively quickly and we can all move on and learn from it.

I'll get on to questions. I want to go back to cryptocurrency. I fully understand how foreign funding could destabilize both our economy and our democracy, but I want to understand better the difference between regulated funding at the present time and cryptocurrency and how you're analyzing that.

• (1520)

Ms. Donna Achimov: In 2020 and 2021 we added virtual currencies to what we already report on—which include cryptocurrencies—thereby allowing us to see the flow of funding. Now we can look at the whole continuum of both regular currency and virtual currencies to see how money travels not just domestically but internationally. The addition of cryptocurrencies was very helpful.

Mr. Heath MacDonald: Crypto has been around for a couple of years now. I know you guys report on regulated funding, of course,

and money movement but I'm just wondering if you have any stats or analytics relevant to crypto raising red flags to financial institutions?

Mr. Barry MacKillop: Mr. Chair, we have seen suspicious transactions from financial institutions that reference crypto and crypto-wallets or people using their fiat or normal money to purchase crypto.

We've also received some excellent, I would say, suspicious transaction reports from the cryptocurrency dealers themselves, as they have the ability through their own compliance program to look out for AML—anti-money laundering, anti-terrorist financing—to identify particular wallets that are problematic and flows of cryptocurrency through different wallets that are problematic. Given that you can do this with relatively small amounts of crypto, we've seen it and have found it to be particularly useful in our Project Shadow, which is our public-private partnership to combat child sexual exploitation material on the Internet, those who are accessing that and who use crypto hoping that they will be anonymous by so doing. We have received some excellent STRs that have debunked the idea of anonymity in that area.

Mr. Heath MacDonald: That's good to hear.

Since the occupation began and then the narrative on freezing bank accounts and we went through that whole process and then the Emergencies Act, at what point did you start seeing the act as having a deterrent effect on the crowdfunding “society”, if that's what you want to call it? Was there a deterrent? Was there a point in time when the crowdfunding started to decline?

Mr. Barry MacKillop: From our perspective, with regard to seeing any reports related to money laundering or terrorist financing, I don't think there was a point where there was a precipitous decline or precipitous increase in reporting. What I would say is that, as all of you have seen, I think the efforts came together at the same time and we saw the money being stopped and we saw the law enforcement activities, which were extremely well done in Ottawa, taking place almost simultaneously. I think it really was a combination of all of the actions that brought this to a peaceful end.

Mr. Heath MacDonald: How much time do I have, Chair?

The Chair: MP MacDonald, you have 40 seconds.

Mr. Heath MacDonald: In general, how far behind are we on regulations to keep up with things like cryptocurrencies and foreign monies coming into Canada to disrupt our economy and our society?

Ms. Donna Achimov: Mr. Chair, thank you. I'll take that question.

I mentioned earlier that we have a regular pulse with our international colleagues and our Five Eyes colleagues. Canada was amongst the first to recognize the fact that we did see this as a key element. That's why we do have virtual currencies as part of our supervision framework.

Really, everyone has different systems across the world. There isn't a harmonized approach, but I think it's safe to say that we were one of the first countries to recognize the importance of this and the supervisory framework as part of a deterrent.

● (1525)

The Chair: Thank you.

Mr. Barry MacKillop: If I may, Mr.—

The Chair: That's the time, but maybe in another round or with another questioner you could add.

Thank you, MP MacDonald.

We have Monsieur Ste-Marie for two and a half minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

On February 10, before the emergency measures order came into effect, Ontario obtained a court order to freeze the two main convey crowdfunding accounts on the GiveSendGo platform, the platform you were talking about, Mr. MacKillop. The order was granted pursuant to the regular legislation and was enforced under the normal co-operation agreements between Canada and the United States regarding financial crime.

Have you played any role in this process, either directly or indirectly? If so, what has it been?

Mr. Barry MacKillop: No, we haven't played any role in either the order or the actions taken by the financial institutions.

Mr. Gabriel Ste-Marie: What discussions, communications and shared work are you engaged in with securities regulators, such as the Autorité des marchés financiers, with respect to the oversight and regulation of crowdfunding platforms?

Ms. Donna Achimov: We're working closely with our provincial counterparts. We have information-sharing agreements not only with respect to the fight against money laundering, but also with respect to the training of our officers and best practices.

Mr. Gabriel Ste-Marie: When it comes to cryptoassets or cryptocurrencies, I imagine that you have the same type of relationship with the provincial securities regulators. Is that right?

Ms. Donna Achimov: Yes, we have agreements with several provincial counterparts. As I said, for us, these agreements are very effective for sharing best practices, training our officers and learning about trends in virtual currency.

Mr. Gabriel Ste-Marie: Thank you.

The Chair: Thank you, Mr. Ste-Marie.

[English]

We are moving now to the NDP and MP Blaikie for two and a half minutes.

Mr. Daniel Blaikie: Thank you very much.

You've mentioned before, on a few occasions, that with crowdsourcing platforms and payment processors there are points of contact with financial institutions. They do have reporting obligations to FINTRAC.

Do you believe that the exclusion of crowdsourcing platforms and payment processors from reporting obligations to FINTRAC creates blind spots that make it difficult for FINTRAC to carry out its mandate?

Ms. Donna Achimov: I think they're early days. We are, as I mentioned, looking at various aspects of virtual currency and money services businesses and how those interact. Certainly, as a country and as a regulator, we have an obligation to look at emerging trends, and certainly there are a number of early lessons associated with a whole host of interactions with virtual currencies, and that's going to evolve.

New platforms, new mechanisms and new exchanges are going to take place. I think it is up to us to look at some of the best practices from other organizations, as well as ours, and to evolve as the technology evolves and as the world evolves.

Mr. Daniel Blaikie: In the aftermath of the emergency orders, I think one of our really important responsibilities here is to look at what happened and to try to make recommendations, so that if powers like these ever have to be used again, they can be done and used in the best possible way, in a way that respects maximally the rights of Canadians.

I'm wondering if you have any recommendations coming out of this process, from where you sit, on how future uses of emergency measures should roll out, including whether that's via better government communication or different ways of implementing a similar order.

● (1530)

Ms. Donna Achimov: Mr. Chair, I would say that we are part of a number of government organizations, a part of 13 government organizations, and I think we all will, and continue to, look at lessons learned and assess our operations, as well as those in that whole continuum. I believe we will all look at... Not just because of this incident, but as we look at the evolving digital space and cyberspace, we're all sharing observations and looking at ways of shoring up or addressing potential loopholes and vulnerabilities. That's an ongoing part of our business, and it has to be, in this fast-paced world of crypto and digital.

The Chair: Thank you.

Thank you, MP Blaikie.

We're moving now to the Conservatives.

We have MP Chambers for five minutes.

Mr. Adam Chambers (Simcoe North, CPC): Thank you, Mr. Chair.

Thank you to our witnesses.

First, I'd also like to mention that we often make headlines in this place for disagreeing with each other, but I think you've seen a multipartisan, unanimous condemnation of what is happening in Ukraine. Like my colleagues, I stand with the government and with the Prime Minister in any response that is necessary to push back on this Russian aggression, which is unparalleled and unprecedented and needs to be met with serious consequences.

Thank you to our witnesses for appearing again. It's nice to see you back at this committee. Thank you for your testimony thus far.

My questions will be backward-looking a bit, but also forward-looking, as I just want to confirm that I understand some of the gaps we've identified or that have been discussed.

Setting aside the emergency order, if a transaction had met the threshold for reporting in the general sense, even if it came from a crowdfunding platform but ended up in a Canadian bank account, that would have been reported through the regular regime. Is that correct?

Mr. Barry MacKillop: That is correct. We would expect our reporting entities to report those transactions to us if they meet their threshold for so doing.

Mr. Philip Lawrence: Okay. Obviously, then, transactions that would have fallen below that threshold would not have been reported. It's similar....

Mr. Barry MacKillop: Yes, unless it was a pattern of transactions below a threshold that would lead them to meet their grounds for suspicion.

Mr. Philip Lawrence: Okay. Thank you.

That would be the same for transactions that originate and have a destination within Canada and then outside of Canada as well.

Mr. Barry MacKillop: Yes, Mr. Chair, if their suspicions and their grounds for suspicions are met. Those are not considered threshold reports, unless they're outside of Canada or coming into Canada and they're over \$10,000 within a 24-hour period, or if it's a large cash transaction of \$10,000 or more.

Mr. Philip Lawrence: Okay. Thank you.

We have heard about specific gaps. Since some of these transactions may have been identified, are there transactions that were not identified that ought to have been identified and that future legislation may address by including the crowdfunding platforms?

I'm trying to understand exactly what that gap might be that we're looking to address.

Mr. Barry MacKillop: Thank you, Mr. Chair.

It's hard to say right now, not knowing what transaction crowd-sourcing or a PSP—payment service provider—would in fact see that is not currently seen. I think time will tell, and there is some additional work we have to do in looking at and working with them with regard to the transactions they do see and whether those transactions would allow them to meet their grounds for suspicion.

I would assume—and I'm guessing here—that on a normal crowdfunding page we would not likely see transactions of \$10,000 or more being donated to a particular cause—

Mr. Adam Chambers: Right.

Mr. Barry MacKillop—so we may not see significant numbers of threshold reports, but it is possible, and again, time will tell what types of transactions they see as to whether or not a pattern of transactions would lead to grounds for suspecting money laundering or terrorist financing.

• (1535)

Mr. Philip Lawrence: Okay. Thank you.

Thinking ahead, if we address some of these gaps with legislation, I'm also thinking about potential other gaps that may still exist. I'm contemplating situations where an entity actually fundraises directly without the use of a fundraising platform and accepts donations, both domestic and foreign. What obligations would that entity have to report any suspicious activity to FINTRAC?

Mr. Barry MacKillop: Mr. Chair, it almost sounds like the question is referring to an existing entity that is a not-for-profit or a charity or something like that. In those cases, they are captured by virtue of having a bank account, or, if they have a cryptocurrency wallet and they want to transfer that money to a known suspicious wallet, the cryptocurrency dealers who report to us would likely catch those transactions and report them to us. For any not-for-profit or charity organization where, as we've seen in the past, our financial intelligence has been helpful in addressing charities that were being misused, the reporting we've received from our current financial institutions has been extremely useful in that sense.

Mr. Philip Lawrence: Thank you very much.

I believe that's my time, Mr. Chair.

The Chair: Thank you, MP Chambers, and thank you for your remarks on Ukraine.

We're now moving to the Liberals.

MP Baker, you have five minutes.

Mr. Yvan Baker (Etobicoke Centre, Lib.): Thanks very much, Mr. Chair.

I too would like to make a brief statement, if I could.

I want to first thank my colleagues for their thoughtful and strong and supportive statements. MP Chambers took the words out of my mouth. I was going to say that we disagree on so much here at this committee and in the House and in public discourse, but this is something that we're all united on. It is so important. I think it means a lot to Canadians. They want to see us united on this issue.

I'm of Ukrainian descent. My grandparents, like so many people of Ukrainian descent, risked their lives and lost loved ones to that desire for freedom and independence. Of course, those with Ukrainian ancestry are touched by this very personally today, but I think this is something that concerns all of us and touches all of us. That's what we've heard from the comments here today from all members.

It touches us because we see a free and independent country being invaded unjustly and because of the humanitarian crisis. I think this is a threat to the international rules-based order that protects all of us. What we're seeing today is a threat to not only Ukraine but also to the rest of Europe and our allies and Canada. That's why I think it's so important that we take the steps necessary to make sure that Vladimir Putin doesn't win and that Ukraine is free and democratic and independent. I thank all members for their thoughtful statements.

With that, Chair, I'd like to move to my questions, if I may.

There has been quite a bit said and reported on with regard to the funding of the blockades coming from outside of Canada. Can you talk about FINTRAC's ability to examine or track suspicious transactions originating outside of the country?

Mr. Barry MacKillop: Mr. Chair, FINTRAC does not monitor transactions, nor do we have any ability to see transactions, going to any institution or any type of GoFundMe page or GiveSendGo page or any other crowdfunding platform. That is not within our mandate.

We do have very good partnerships with not only our Five Eyes but also a number of international financial intelligence units. FinCEN is one of our biggest partners in the U.S. Certainly, they were alive to this issue that was going on with regard to the blockades. We had discussions with them. They were certainly knowledgeable and alive to the fact that any suspicious activity reports they might receive, they would forward to us if these were applicable and would assist us in our intelligence job.

With regard to any activity coming from foreign donors or people living outside of Canada, these crowdfunding platforms are in fact available internationally. They are on the Internet. Anyone from around the world could have donated to what was initially a cause they felt they wanted to support. We would not see those donations, unless, of course, they were \$10,000 or more and coming from outside Canada. For smaller donations made by individuals to support a cause they believe in, we would not see that unless it came into that particular cause and were deemed suspicious by the bank that was holding the bank account for that particular cause.

● (1540)

Mr. Yvan Baker: That's helpful. Thank you.

In practical terms, I'm thinking about my constituents who might be watching today or Canadians who are watching today. They've heard a lot of news about FINTRAC's role in this. We've talked a fair bit about cryptocurrency, but in practical terms, what was the impact of the requirement to have crowdfunding or cryptocurrency platforms register with FINTRAC? What steps or actions were you able to take as a result?

Ms. Donna Achimov: I believe the initial act of registration and the conversations that were had meant that a number of crowdfunding platforms as well as payment service providers paid attention. They started to question. They came to us and wanted to understand what was required of them, what they had to do and how they were implicated. I believe it was a very early intervention in creating awareness, having those questions come in and helping those organizations self-identify fairly quickly to see if they were possibly covered and if they had activities they wanted to report.

We made it very easy. Before they were even registered, we enabled these new organizations to register any suspicious transactions that had surfaced.

Mr. Yvan Baker: Thank you.

The Chair: Thank you, MP Baker. Also, thank you for those heartfelt words on how Canada is supporting Ukraine and the work you're doing here on the ground.

We are moving, members, into our third round.

I have the Conservatives up, and I believe it's MP Lawrence?

Mr. Philip Lawrence: It's MP Lewis.

The Chair: Oh, I'm sorry. I wasn't sure. I thought I had a change.

MP Lewis, I apologize, and welcome to the committee. It's great to have you here.

Mr. Chris Lewis (Essex, CPC): Thank you very much, Mr. Chair.

Thank you, colleagues.

I'm going to echo that too, because if I didn't it would be wrong. I've been watching very closely this morning, unfortunately CNN, but you have to get your news somewhere. My heart is with all of the folks of Ukraine. Honestly, although we have work to do here, I would like to just be quiet for five minutes and just close my eyes in solidarity with each and every one of you to really think about the families being affected in Ukraine. I won't, but that's where my heart's at today, and I thank all my colleagues, especially Mr. Baker.

I can see the pain in your face, sir, so thanks for being open and honest and humble enough to really recognize where we're at.

First and foremost, I want to say thank you, friends. I've never been part of finance before, so perhaps I'm a little bit in left field. I do sit on the international trade committee, so if my questions are perhaps a little bit sideways, please forgive me on that front.

I want to tie in the international trade side of things. My riding of Essex is right beside the Ambassador Bridge, so you can appreciate where I'm coming from with this.

The first question I would ask is, if we highly regulate crowd-funding platforms in Canada, won't Canadians just switch to crowdsourcing platforms abroad? I don't know, Mr. Chair, who to address this to specifically, but whoever would like to take this first question, please do.

Ms. Donna Achimov: Maybe I'll just step back a little bit. When we look at supervision or regulation, we really do keep Canadian business first and foremost in our minds. We look at the need for policy change, the burden on business and privacy implications. Those three areas always come into play.

Certainly small businesses, medium businesses and corporations in Canada all have a role to play. I think it is incumbent on us to look at, as I mentioned earlier, emerging threats and risks and to try to find the right equilibrium in bringing forward reporting entities and their obligations to help fight financial crime.

• (1545)

Mr. Chris Lewis: Thank you so much for that.

Through you, Mr. Chair, I have a question for Mr. MacKillop. I think I'm directing the question to the right person.

I'm just curious. Do other countries, specifically the United States, have agencies similar to FINTRAC? If the United States does not, does anywhere else in the world? Do you have folks outside of Canada you lean on as well?

Mr. Barry MacKillop: Yes. Just about every country that's part of the Financial Action Task Force has a financial intelligence unit.

With respect to your question on whether or not they do what FINTRAC does, I would unabashedly say that FINTRAC is the best in the world in providing intelligence. We have international surveys indicating that.

We are one of the few that actually do financial intelligence to support our domestic law enforcement. Many of the financial intelligence units around the world specialize in supporting the international component and sharing internationally. We do that as well, but we do tactical financial intelligence support to law enforcement and national security agencies in Canada. We are relatively unique in doing that, certainly in terms of the number of disclosures we do a year and the number of investigations we're involved in with law enforcement. Also, we are unique internationally in the number of times we are recognized as a partner in successful investigations.

Yes, financial intelligence units do exist around the world, but I would say FINTRAC would be at the top in what we do and how we do it.

Mr. Chris Lewis: Well, that sure puts a smile on my face. We need some good news today, so thank you, Mr. MacKillop. That's excellent.

I have a very quick follow-up question to that then. At FINTRAC, are you able to talk to the other agencies, or is it a solid at the border, and you do your own thing and the other agencies do their own thing?

Mr. Barry MacKillop: Thank you for that.

No, we actually talk quite a bit with them. We certainly have our Five Eyes partners, of course, with whom we have a significant

number of projects that are ongoing, whether they're on, for example, the tax-evasion side or the terrorist-financing side or even on trade-based money laundering, for example. There are sometimes connections all around the world in these cases, and we have worked and are working on cases that do touch a number of different countries. We work together and share that information.

We can query other countries, for example, if we have Canadians who are involved in using another country's banking system in order to hide their proceeds of crime. We can contact another country through the FIU. We get reports that we can then forward on to our own law enforcement in Canada, and they do the same. They do call us. We have constant contact, more so with our Five Eyes partners, of course. However, we deal with just about any country with which we have an MOU and with which we can share information and intelligence. They will do that. That's on the intelligence side.

We also have supervisory MOUs with our Five Eyes, whereby we can share supervision information as well as best practices, training and learning. We also work through the Egmont Group, which is a group of financial intelligence units around the world, to support them in their ongoing training as well as in terms of some of the standards and some of the work we do as international financial intelligence units.

Mr. Chris Lewis: Thank you very much, Mr. MacKillop.

Thank you, Mr. Chair. I know I'm done.

The Chair: Thank you, MP Lewis, for bringing that trade lens to our committee. We do have the Canada-Ukraine Free Trade Agreement that we're all very proud of.

With that we are moving to the Liberals and MP Chatel for five minutes.

[Translation]

Mr. Philip Lawrence: Thank you, Mr. Chair.

First, I want to join all my colleagues in expressing my full solidarity with the Ukrainian people. Today, Ukraine is plunged into darkness and terror as a result of Russia's completely unjustified attack. President Putin's brazen disregard for international law, democracy and human life is inexcusable. Canada stands united behind the Ukrainian people. The entire international community must also join together to put an end to this terrible situation.

I want to thank the FINTRAC officials for being here today. I appreciate their experience and their essential work. I have some questions for them.

I was personally very concerned about foreigners and even far-right groups funding illegal activities in Canada. Some of these activities, such as the blockades in Windsor, led to over \$1 billion in economic damage. These aren't strictly terrorist activities or terrorist groups. They're people from foreign countries who fund activities that cause significant damage to our economy and put our institutions at risk.

If the GiveSendGo data leak and the Emergencies Act hadn't come into play, would the current tools have helped us identify the donors behind the platform?

• (1550)

Mr. Barry MacKillop: Thank you for the question.

You referred to the data leaks. However, we certainly don't use that data. We haven't received a list of people who donated to the cause. Unfortunately, crowdfunding platforms are available to everyone, so anyone in the world can access them.

We've had discussions with Stripe. Certainly individuals from around the world donated money to support the cause before it was declared illegal. People all over the world are unhappy and fed up with COVID-19. I think that some people thought at first that this was a protest against COVID-19 and just wanted to support the cause by giving small amounts of money. It was their own money. This wasn't money laundering. I don't believe that they thought that they were funding terrorist activity.

Normally, we wouldn't have seen any of this. Crowdfunding platforms won't release the names of all donors to us. This falls outside the scope of the legislation governing us, unless it relates to money laundering or terrorist financing.

Mrs. Sophie Chatel: We know that there's a great deal of illicit money in the world and that it's often hidden in tax havens.

When large and suspicious sums of money are donated by foreign groups on crowdfunding platforms such as GiveSendGo or GoFundMe, do your current tools enable you to obtain information about these transactions?

[English]

The Chair: It has to be a very short answer, please.

[Translation]

Mr. Barry MacKillop: Thank you for the question.

No, we don't have the investigative authority. This means that we can't ask for information from the reporting entities.

Mrs. Sophie Chatel: Even though these reporting entities are required to register—

• (1555)

[English]

The Chair: Thank you, MP Chatel. That's your time.

[Translation]

Mrs. Sophie Chatel: Thank you.

[English]

The Chair: We are now moving to the Bloc.

Monsieur Ste-Marie, you have two and a half minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Les Affaires recently published an article from The Canadian Press in which Mr. Manchester, managing director of financial intelligence training at ManchesterCF, was interviewed. Mr. Manchester is concerned that the Emergencies Act and the resulting action

have set a precedent. I'd like to hear your thoughts on his statements.

We know that the RCMP has been sending lists of people to financial institutions, which worries Mr. Manchester. He said that the banks could continue to track individuals who have been flagged by the RCMP. In addition, the names of these individuals could end up in third-party private sector databases used by financial institutions to combat money laundering and terrorist financing.

What are your thoughts on this?

Mr. Barry MacKillop: Thank you for the question.

No, I haven't seen Mr. Manchester's comments. However, with all due respect, he doesn't work within the system. That's his point of view.

As far as I know, the emergency measures were implemented for a limited amount of time, not for an indefinite period. The banks received information pursuant to the established process, meaning the use of the Emergencies Act in a very limited way and for a very specific reason. I'm sure that the banks won't store those names and send us reports later.

In any event, if a bank said that it was sending us a suspicious transaction report because it received a name from the RCMP, I wouldn't accept that information and I wouldn't give it to the RCMP. The police aren't allowed to direct a bank to provide information to FINTRAC. We also aren't allowed to ask the bank to give us a suspicious transaction report on someone. This information would be thrown out in court as inadmissible evidence. We can't ask a bank to do something that we can't legally do. Neither the RCMP nor any other police force is allowed to direct a bank to send suspicious transaction reports to FINTRAC for intelligence purposes, in order to gather evidence and lay charges.

The banks have no reason to keep either the information or the names. If there were suspicious people or people with a history that suggested involvement in terrorist financing or money laundering, they would already be identified by the financial institutions.

Mr. Gabriel Ste-Marie: Thank you.

The Chair: Thank you, Mr. Ste-Marie.

[English]

That is the time.

We're moving to the NDP.

We have MP Blaikie for two and a half minutes.

Mr. Daniel Blaikie: Thank you.

I want to follow up on that.

I was listening without translation, as I normally do. I'm usually pretty confident in my French, but what I took from your testimony was that it was just an explanation of some of the reasons Canadians should feel reassured that whatever information was transmitted in this process wouldn't leave a lasting impression on their record in the private sector.

I'm wondering if you could take a little bit more time to explain that, so members of the committee, including, or perhaps especially, me, feel they have a strong command of your comments in response to Monsieur Ste-Marie.

Mr. Barry MacKillop: Thank you for that.

Mr. Chair, I hope it's not because the quality of my French was not up to par that it was unclear.

Mr. Daniel Blaikie: It was not at all.

Mr. Barry MacKillop: Really, the Emergencies Act was time limited, and it was for a specific event.

For example, the information on the designated people that was given to the banks, the financial institutions and others, had to do with the funding related to the illegal blockades, to ensure that the funding that was received or disbursed was stopped.

Once this emergency measure is revoked, as it has been, the banks cannot use that information, for example, to submit an STR to me, to say, "Hey, we got this name from the RCMP. Looking backwards, yes, the person is a criminal, so we're going to give you this." If they gave that to me and said, "The RCMP gave me this name, so this is my threshold for reporting to you", that would not be something that I would be comfortable disclosing back to the RCMP, because it's not something that the RCMP—and I use "RCMP" as a generic term for law enforcement here—or law enforcement can go to a bank about and direct it to send an STR to FINTRAC on any particular individual. There are legal requirements. If the RCMP or any law enforcement wants that information, they need production orders. They need warrants from the court. They cannot simply walk in and say, "Please submit an STR on Barry MacKillop to FINTRAC" so that they can then give that to me as intelligence and I can get a production order and charge someone.

I'm not a constitutional expert or a lawyer, but that is contrary to how our court system works. There is an independence. The threshold is met. The banking system or the financial institutions would submit reports to us on people whose transactions they believe or they suspect would be relevant to money-laundering or terrorist-financing activities.

The fact that they were either supporting or disbursing the funds related to an illegal blockade has nothing to do with money laundering or terrorist financing. We would not get a suspicious transaction report, and I do not believe that the intent or the reality would be that the banks would keep the list of these names once the process had been undertaken to unfreeze the accounts, as Madame Justice was mentioning the other day. These accounts will be unfrozen. There's no lasting black mark on these individuals. They simply could not use that money, or whatever it was that they had, to support the illegal blockade, as per the Emergencies Act when it was in place.

• (1600)

The Chair: Thank you, MP Blaikie.

I hope I get this one right: We have the Conservatives next and it's MP Lawrence's time—yes?

Mr. Philip Lawrence: You got it, Mr. Chair.

The Chair: All right. There you go.

Mr. Philip Lawrence: Thank you.

Mr. MacKillop, I just want to confirm something arising from my last questions. Just to be clear, I imagine you were working around the clock to implement the Emergencies Act at your department, but despite your best efforts, nothing that gave you additional authorization or that gave FINTRAC additional authorization helped at all in ending the illegal protest [*Technical difficulty—Editor*]

Ms. Julie Dzerowicz: On a point of order, Mr. Chair, I couldn't hear.

The Chair: Yes. I wasn't sure if it was my system.

MP Lawrence, I think we lost the last 10 or 15 seconds of your question.

Ms. Julie Dzerowicz: We lost the whole question.

Mr. Philip Lawrence: Oh, that's a shame.

The Chair: Could you go over it again, please?

Mr. Philip Lawrence: It was the greatest question I've ever asked.

In all seriousness here, I just wanted to be clear, from my last round of questions, that the additional powers given to FINTRAC in the emergency measures act invocation or proclamation did not help in resolving the blockades or the illegal protests.

Mr. Barry MacKillop: I kind of hesitate to say that FINTRAC didn't have any role at all, because we were working 24 hours a day, and we are part of the security intelligence community in Canada with the federal government. But you are correct. While the authority to register crowdfunding platforms and the payment service providers may not have had a direct impact, it may have in fact reinforced the fact that it was at that point illegal to try to donate money to support this blockade or to take money out.

It did certainly put a focus on that. It put a focus on the banks and the financial institutions that may have had any control of any goods or any accounts related to any of these crowdfunding platforms. They probably looked at other crowdfunding platforms as well that were not necessarily mentioned in the newspapers, for example. So I think there was a role, but it was certainly not a direct role in stopping this.

• (1605)

Mr. Philip Lawrence: [*Technical difficulty—Editor*] direct role.

I'd like to pivot to a different area. My concern—I think Mr. Blaikie may have pointed this out as well—is that it does appear that we have a hole in our money-laundering dragnet. If you have a foreign entity that is giving to a foreign crowdsourcer or even to a not-for-profit group that, for example, wanted to stop pipelines, and maybe international actors such as Russia would want to support those types of groups or those crowdsourcing platforms, we don't really have a way to [Technical difficulty—Editor] Canadian financial institution. Correct me if I'm wrong.

Mr. Barry MacKillop: The audio was cutting out, sir, and I didn't hear everything, but I'll do my best to answer the parts that I did hear.

If there were monies coming in from an international organization or an individual internationally, and they were in sums of \$10,000 or more, we would see that, because it would use the international transfer system. Those transactions are threshold transactions that would be reported to FINTRAC. If the transactions were coming into a crowdfunding platform, the crowdfunding platforms that I have researched so far all have fairly strong anti-money laundering, anti-terrorist financing compliance programs in place. They don't want to be misused. They have terms of reference, and as we saw with GoFundMe, if you're not managing your terms of reference, they will cut that page off. They will certainly be keeping an eye on that.

Any organization or individual who is setting up a GoFundMe page or any other type of crowdfunding page for nefarious purposes would nevertheless have a bank account if they're in Canada, so we would not only see the international transfer of threshold funds coming in; we would also have the bank keeping an eye on whether or not the bank account that was set up for this particular social cause, or whatever cause it was, was actually disbursing the money for the purposes for which it was set up. Otherwise, we would see suspicious transaction reports.

The Chair: Thank you.

Thank you, MP Lawrence.

Now we're moving to MP Dzerowicz for the Liberals for five minutes.

Ms. Julie Dzerowicz: Thank you so much, Mr. Chair.

My first question might be slightly odd. In the short amount of time that the Emergencies Act was in place—and, FINTRAC, thank you very much for working 24 hours a day—what happens to the information that you collected? Does it just sort of stay on reserve? Does it get eliminated? What happens to that information?

Ms. Donna Achimov: Information disclosed or received by FINTRAC with legal authority while the order was in effect will be treated in accordance with our legislation and the Privacy Act. We have rigid safeguarding of personal information. That's critical to the way FINTRAC operates. It's hard-wired in terms of the act and our mandate. We have clear principles for how we manage that information.

As of yesterday, when the order was revoked, all activity associated with any information that we have received had to stop, and it did stop.

Ms. Julie Dzerowicz: Thank you.

My next question is in the spirit of moving forward and assuming that the Deputy Prime Minister is going to continue to move forward and try to introduce legislation to make this something permanent for FINTRAC.

One of the things that has been said about FINTRAC investigations is that they very rarely lead to charges connected to money laundering or extremist financing, and the reason that's given, such as by Transparency International Canada, is that it's largely because law enforcement agencies are hesitant to take on labour-intensive, time-consuming cases.

Is that true? If it is true, is there something that we need to be thinking about in terms of capacity and resources and how we're actually framing any type of legislation or including it in any type of legislation moving forward?

● (1610)

Mr. Barry MacKillop: Mr. Chair, I think the member is correct that if we measure success based on the number of successful money-laundering or terrorist-activity financing prosecutions we have in Canada, we may not come out with significantly high numbers. However, if we look at the disruption of criminal organizations or the disruption of potential terrorist events, where our financial intelligence may or may not be recognized—because it's not recognized in every successful investigation or prosecution—I think the disruption is significant, and I think the financial intelligence is critical to assisting our law enforcement partners in their investigations.

Certainly, money-laundering charges are difficult. They're difficult to prove and difficult to get prosecutions on, but in terms of my own level of satisfaction with my work, while getting a money-laundering prosecution is great, if I can assist law enforcement in identifying 12 victims of human trafficking and getting them out of a human-trafficking ring so they can become 12 survivors in Canadian society, I see that as success. Perhaps a human trafficker will not be charged with money laundering, but they will be charged with human trafficking, and we will save the victims.

I think it's the measure of success where, yes, Transparency International may have looked at the FATF measure, which is money-laundering and terrorist-financing prosecutions, but for us, we believe that while that's important, saving victims, getting victims out, avoiding terrorist incidents and disrupting organized criminals are as successful as a money-laundering or terrorist-financing prosecution.

Ms. Julie Dzerowicz: Thank you.

My last question again might be an odd question. If we were to add cryptocurrency and crowdfunding as part of the monitoring powers that FINTRAC would have, is there anything we would have to change if the definition of terrorism or money laundering because of these digital features? I don't think so, but I just wanted to pose the question to you.

Mr. Barry MacKillop: I don't believe that money laundering is linked to fiat or anything else, so any virtual money, any crypto money, can be used in money laundering and terrorist financing and there would be no need to change the definition of the type of currency that's being used to launder. As long as it's the proceeds of crime, it would be considered eligible for money laundering.

Ms. Julie Dzerowicz: Thank you so much.

The Chair: Thank you, MP Dzerowicz.

Members, we are moving into our final round. I'm looking at the time. As we do on this committee, when there is not enough time to allow for a full round, we will divide it up equally among the parties. We are starting, for four minutes each, with the Conservatives and MP McLean.

Mr. Greg McLean: Thank you, Mr. Chair.

I'm going to go back to where I left off with my last round of questioning.

All these Canadian crowdfunding platforms are regulated through provincial securities regulators. They are covered under FINTRAC when the transactions go there. The crowdfunding platforms in Canada, specifically GoFundMe, are regulated. When activities were deemed to be illegal, they ceased to provide funds to the organization. The one gap we have is GiveSendGo—an off-shore non-Canadian entity, to which some Canadian funds and some other funds were going—which we are not sure where it fits in the regulations. That's where we are at.

This is the part that I think concerns many of the members of this committee, namely the implications of foreign funds and foreign organizations that are not regulated by Canadian institutions such as FINTRAC being able to destabilize operations or governments in Canada.

I'm not sure how FINTRAC is going to be able to regulate these foreign platforms. Can you comment on that?

Ms. Donna Achimov: Mr. Chair, thank you.

With regard to looking at the gaps and at the regime and our regulatory partners, we are having conversations with them. Additional gaps and policy gaps come under the purview of our colleagues at the Department of Finance.

I think that question would best be routed to them.

• (1615)

Mr. Greg McLean: Thank you.

With respect to the Emergencies Act, it seems that we were clear that everything was going according to the law. The only gap in understanding we seem to have here is with respect to the regulations regarding entities' distribution of funds to a Canadian illegal operation.

The issue we have insofar as the freezing of bank accounts in Canada is concerned is with the order in council that was issued. Freezing bank accounts for participating in an illegal activity, even when the activity wasn't illegal or deemed to be illegal, is the basic overstep at which many of our constituents really balk. Is it going to destabilize the Canadian financial system if the government has

the ability to reach into the accounts of people—who are participating in an action and doing nothing illegal—and suddenly freeze those accounts? I'm not talking about accounts of \$10,000 plus. I'm talking about your Mas and Pas who may have given to an organization that was not performing anything illegal at the time.

Can you comment on that, please?

Mr. Barry MacKillop: The seizing of the bank accounts and the invocation of the act are well outside the purview of FINTRAC, so I do not have a comment on that.

Mr. Greg McLean: Is there anything else you'd like to comment on? It seems as though the Emergencies Act didn't have any role to play in the actions as far as the accounts and the crowdsourcing go. That seemed to occur under current Canadian legislation, and the Emergencies Act was really not required in order to freeze any of those accounts. The account freezing was the one aspect of the Emergencies Act that was really a gross overstep.

Do you have any comment on that?

Mr. Barry MacKillop: Again, Mr. Chair, that is outside of the purview of FINTRAC and the role that we play with regard to money laundering and terrorist financing.

Mr. Greg McLean: Would anything be accomplished with that?

The Chair: Thank you, MP McLean.

We are moving to the Liberals and MP MacDonald for four minutes.

Mr. Heath MacDonald: Thank you, Chair.

I do want to say that with the last time FINTRAC was here, and this time too, of course, I learn more all the time. It's certainly reassuring that there are organizations like FINTRAC. It's appreciated. Even mentioning the human trafficking relevant to what you do is most beneficial.

I certainly don't know how you deal with the flood of misinformation and disinformation that we've seen over the past few weeks, but I'm going to go back to what may be more of a local issue when you're dealing with financial institutions such as a credit union or something like that.

What are the weaknesses of those institutions, I guess, that could have consequences for you as you're trying to do your job? What changes would you like to see in those institutions for betterment in your doing your job?

Ms. Donna Achimov: Mr. Chair, I think some of that is answered by having robust compliance programs. Whether we're talking about credit unions or financial institutions, we go to great lengths in education and strongly endorsing the requirement to put a robust compliance program in place: appointing a compliance officer who's responsible for a program, developing policies and procedures and conducting risk assessments. Those are key fundamentals for a robust compliance program, as is ensuring that they have training programs and that they monitor the evolution of risk and those training programs.

For part of our education, I must go back to what my colleague Barry indicated. Every time FINTRAC is mentioned in the context of a successful law enforcement operation, and especially when we can put a human face to the damage associated with money laundering or terrorist financing, we bring that back to our reporting entities in the institutions. They have to understand that they play a critical role not only in mitigating the damage, but in really having that robust program where they know their clients, and when something is wrong, they have reasonable grounds to suspect and they come back to us.

For us, I think the best way to continue is educating and ensuring that we have sound appreciation for the roles these entities play in disrupting financial crime.

• (1620)

Mr. Heath MacDonald: Thank you.

I'm good, Chair. Thank you.

The Chair: Thank you, MP MacDonald.

We are moving to the Bloc and MP Ste-Marie for four minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

I want to come back to The Canadian Press's article in *Les Affaires* in which Mr. Manchester was interviewed.

The government asked financial institutions to check whether their clients appeared to support the protests. Mr. Manchester is concerned that this will set a precedent and that, in the future, financial institutions may continue these monitoring efforts.

What are your thoughts on this?

Mr. Barry MacKillop: Thank you for the question.

I don't know the internal processes of financial institutions. That said, usually, when information is provided in this way, it's for a very specific reason. If the information is used for any other purpose, usually that's unacceptable and not something that financial institutions would do.

I don't work in a financial institution, so I don't know the internal processes. However, I can tell you that the plan was to use the information for a very specific purpose and for a very limited time.

Mr. Gabriel Ste-Marie: Okay. Thank you.

Mr. Manchester raised another concern. He wondered whether, in the few days where the Emergencies Act was in effect, the government was asking your organization to devote many resources to work related to the Emergencies Act and the siege in Ottawa. His concern is that your resources are very limited. In addition, at the start of the meeting, you reminded us that you were dealing with a heavy volume of reports, among other things. Mr. Manchester is concerned that the steps required under the Emergencies Act haven't given you the chance to carry out the rest of your work properly.

I don't know whether my comments were clear. If so, I'd like your input on this.

Ms. Donna Achimov: I'll start my response. I'd like to invite my colleague to comment afterwards if he wants to do so.

As I explained earlier, since we're a small agency, we're agile. This was a national crisis and we responded with substantial resources. That's part of our daily work. When needs arose, we focused our resources on them. We did so quickly. We've been working 24 hours a day, seven days a week. We've done a great deal of work. However, it's part of our reality to respond and redistribute our resources as needed.

Mr. Gabriel Ste-Marie: Thank you and congratulations on all your work.

The redirection of your resources in response to the Emergencies Act won't interfere with your regular activities on an annual basis.

Mr. Barry MacKillop: No, absolutely not. We certainly assigned people specifically to this initiative. However, that didn't stop us from carrying out our usual work. We worked overtime, but that's typical in a crisis. This isn't our first crisis and, unfortunately, it won't be our last. We have the necessary resources. In addition, everyone at FINTRAC is willing to get involved. It's easy to find people who want to work as long as it takes to get through a crisis.

• (1625)

Mr. Gabriel Ste-Marie: Thank you.

[English]

The Chair: Thank you, MP Ste-Marie.

Our last questioner will be NDP MP Blaikie.

You have up to four minutes.

Mr. Daniel Blaikie: Thank you very much.

I think it might help to just step back at the end of our meeting today and take a little bit of a bird's-eye view. I think part of our role here on the committee is to address concerns that Canadians may have that some of the extraordinary powers granted under the emergency orders were improperly used or abused.

I'm wondering if you have any advice for the committee on who else we should be talking to, or what questions we should be asking, to discover, to the best of our abilities, if that's the case; and if that's not the case, to be able to reassure Canadians that things unfolded as they should have under the orders, and how to follow up if they're concerned about lasting consequences with, say, their financial institution or anything else; or, if there are to be no lasting consequences for them, how they might be able to feel reassured that this is the case, who to pursue those questions with, and what would count as kind of getting to a point where they should feel satisfied that those questions have been answered.

I'm wondering if you have any recommendations for the committee on how we can undertake those two tasks—satisfy ourselves that there haven't been abuses, or to find them if they're there; and then, in the event that there haven't been, how to provide reassuring advice to Canadians to that effect and some advice on how they can pursue those questions further in their individual cases to satisfy themselves.

Mr. Barry MacKillop: Far be it from me to suggest whom you should invite to your committees. If there are people I know, and they don't want to come, I may make enemies, so.... Certainly, there were a number of agencies involved.

For individuals who are constituents, who are Canadian citizens, I think they can follow up with their financial institutions. If they were caught up in this, I think immediate and direct follow-up with their financial institutions will allow them to achieve a measure of comfort with regard to their bank accounts, as Ms. Jacques said the other day, being unfrozen now that the act has been revoked. I think they can follow up with their institutions and have a discussion about what impact, if any, they would see. If their banks or financial institutions have questions for them, I'm sure they can answer those questions and get that level of comfort.

As for the bird's-eye view, I understand that an inquiry will take place. I think many, many parties will be invited to that inquiry, which I'm sure will provide a very nice overview of everything that was done, how it was done and why it was done. From my perspective, I'm satisfied that it came to a peaceful end. Being in Ottawa every day and living through that, I was quite happy and proud of my law enforcement partners in the way they resolved this.

I think I would leave it at that rather than suggest specific names of people you should invite.

Mr. Daniel Blaikie: Thank you very much.

I'll leave it at that as well, Mr. Chair.

The Chair: Thank you so much, MP Blaikie.

Members, I think I speak for all of us when I say that Barry MacKillop and Donna Achimov have been excellent witnesses. We want to thank FINTRAC for being with us and for the many answers they gave to our many questions. They provided great insight into what FINTRAC does and how it does it.

On behalf of the committee, the clerk, the analysts, the interpreters and everybody who makes this operation work, the staff and members, I want to say to all of you that I've never been prouder

just to listen to you. You spoke, as I said, from the heart. You spoke strongly. We spoke united on Ukraine. I'm sure all of our colleagues, parties, party leaders, the Prime Minister and the Deputy Prime Minister would be very proud. I thank you all for what you have done.

I believe this is the first committee since the conflict began where members have been able to make these types of comments for the public, for them to hear what we have to say.

Thank you.

With that, we'll—

MP McLean has his hand up.

MP McLean.

• (1630)

Mr. Greg McLean: Thank you very much, Mr. Chair.

I want to echo your comments. This has been a very productive committee, including with all the comments that were received around the table today.

I want to say goodbye to everybody; I didn't know whether I would otherwise have had the chance. This has been a very good committee to be part of. I think all of you probably know that I'm moving to a different committee next week. I will enjoy visiting whenever you invite me, but I will have different responsibilities next week.

[*Translation*]

I'll miss all my colleagues from every party.

Thank you and until next time, friends.

[*English*]

The Chair: MP McLean, we will miss you. I'm sure we'll see you around, and, yes, please join us as a substitute member any day.

Members, with that, I will adjourn.

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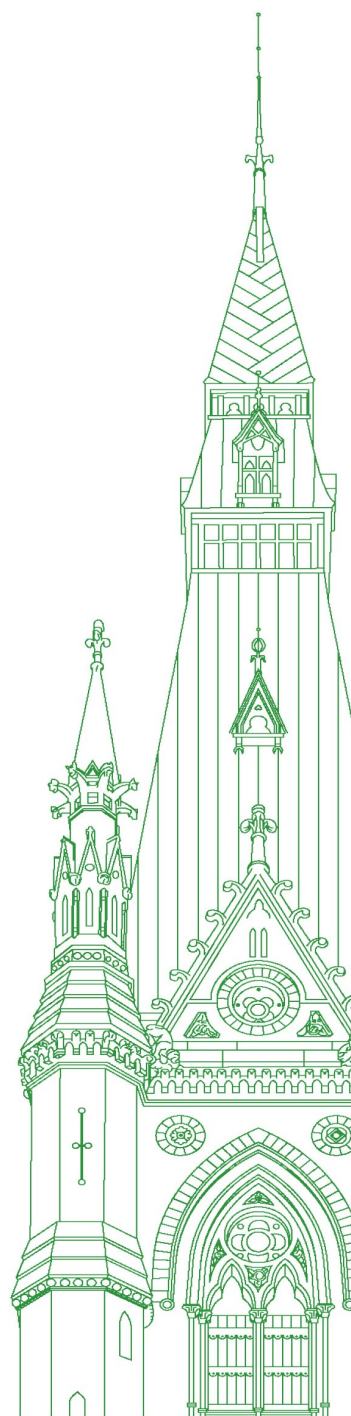
Standing Committee on Finance

EVIDENCE

NUMBER 027

Monday, March 7, 2022

Chair: Mr. Peter Fonseca



Standing Committee on Finance

Monday, March 7, 2022

● (1435)

[English]

The Chair (Mr. Peter Fonseca (Mississauga East—Cooksville, Lib.)): I call this meeting to order.

Welcome to meeting number 27 of the House of Commons Standing Committee on Finance. Pursuant to the motion adopted in committee on Thursday, February 17, the committee is meeting to study the invocation of the Emergencies Act and related measures.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely, using the Zoom application. The proceedings will be made available via the House of Commons website. Just so that you are aware, the webcast will always show the person speaking, rather than the entirety of the committee.

Today's meeting is also taking place in the webinar format. Webinars are for public committee meetings and are available only to members, their staff and witnesses. Members enter immediately as active participants. All functionalities for active participants remain the same. Staff will be non-active participants and can, therefore, only view the meeting in gallery view.

I'd like to take this opportunity to remind all participants of this meeting that screenshots or taking photos of your screen are not permitted.

Given the ongoing pandemic situation and in light of the recommendations from health authorities, as well as the directive of the Board of Internal Economy on October 19, 2021, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing. They must wear a non-medical mask when circulating in the room, and it is highly recommended that the mask be worn at all times, including when seated. They must also maintain proper hand hygiene by using the provided hand sanitizer at the room entrance. As the chair, I'll be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

To ensure an orderly meeting I would like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of the floor, English or French. If interpretation is lost, please inform me immediately, and we will ensure that interpretation is properly restored before resuming the proceedings. The "raise hand" feature at the bot-

tom of the screen can be used at any time if you wish to speak or alert the chair.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the Board of Internal Economy's guidelines for mask use and health protocols. Before speaking, please wait until I recognize you by name. If you're on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer.

When speaking, please speak slowly and clearly. When you're not speaking, your mike should be on mute. I would remind you that all comments by members and witnesses should be addressed through the chair. With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

We are scheduled for two panels today. We'll have our health break in between the panels during this meeting, because it is a longer duration.

At this time, members, before I introduce the witnesses, we need to elect a first vice-chair.

I am now going to look to the clerk to run us through that election.

The Clerk of the Committee (Mr. Alexandre Roger): Thank you, Mr. Chair.

Pursuant to Standing Order 106(2), the first vice-chair must be a member of the official opposition.

I am now prepared to receive motions for the first vice-chair.

Go ahead, Mr. MacDonald.

Mr. Heath MacDonald (Malpeque, Lib.): Thank you, Mr. Clerk.

I'd like to nominate Mr. Albas for first vice-chair, please.

The Clerk: It has been moved by Mr. MacDonald that Mr. Albas be elected first vice-chair.

Are there any other motions?

Is it the will of the committee to adopt the motion?

Ms. Julie Dzerowicz (Davenport, Lib.): On division!

Voices: Oh, oh!

The Clerk: I will not take that seriously.

(Motion agreed to)

The Clerk: I declare Mr. Albas duly elected first vice-chair of the committee.

The Chair: Congratulations, MP Albas.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Thank you, Mr. Chair.

Thank you, colleagues.

The Chair: Thank you.

Thank you, Mr. Clerk.

Now, members, we will move to welcome our witnesses.

The witnesses for our first panel will be here from 2:30 to 4. From the Canadian Bankers Association, we have Darren Hannah, vice-president of finance, risk and prudential policy. With Darren Hannah is Angelina Mason, general counsel and vice-president.

In our second session, we will have witnesses from the Royal Canadian Mounted Police. They will be Michel Arcand, assistant commissioner of federal policing criminal operations, and superintendent Denis Beaudoin, director of the financial crime branch.

Now we will hear from our first witnesses from the Canadian Bankers Association for opening remarks.

Ms. Angelina Mason (General Counsel and Vice-President, Canadian Bankers Association): Thank you.

Good afternoon. Thank you for inviting the Canadian Bankers Association to appear today to participate in the committee's study of the invocation of the Emergencies Act and related measures.

My name is Angelina Mason. I am general counsel and vice-president of the CBA. I am joined today by Darren Hannah, vice-president of finance, risk and prudential policy with the CBA.

The CBA is the voice of more than 60 domestic and foreign banks that help drive Canada's economic growth and prosperity. The CBA advocates for public policies that contribute to a sound, thriving banking system to ensure that Canadians can succeed in their financial goals.

On February 15, 2022, the Government of Canada invoked the Emergencies Act and made associated emergency measures regulations and an emergency economic measures order. All financial service providers, including banks, covered by the order became legally obligated to implement the measures as stipulated by the government in the order.

Banks took great care to fully understand their obligations and to ensure that they limited the order's application to activities that fell squarely within its intended scope. The government indicated that the measures were intended to be temporary and focused only on a narrow group of individuals and entities involved in specific activities covered by the order. The vast majority of customers were not impacted by these measures.

Upon receipt of information from the RCMP regarding individuals and entities engaged in conduct or activities prohibited under

the regulations, banks acted in accordance with their legal requirements under the order. We can confirm that banks acted quickly to unfreeze accounts after the RCMP notified financial service providers that it believed that the individuals and entities previously identified were no longer engaged in conduct or activities prohibited under the regulations.

While many of these accounts have been unfrozen, it is important to remember that some accounts are still frozen to comply with court orders or proceedings.

On February 23, 2022, the government revoked the regulations and the order, and the associated legal obligations of banks and other financial service providers ceased.

Thank you for your time. I look forward to your questions.

● (1440)

The Chair: Thank you, Ms. Mason. Is that the end of your remarks?

Ms. Angelina Mason: That is the end of my remarks.

The Chair: Okay. Great.

We will move to members' questions. We'll start with a six-minute round, meaning that each party will have up to six minutes to ask questions.

We will start with the Conservatives.

MP Chambers, you have the floor.

Mr. Adam Chambers (Simcoe North, CPC): Thank you very much, Mr. Chair.

Thank you to our witnesses today. As you can imagine, this is an important study for us. In the wake of the Emergencies Act, there was a considerable amount of uncertainty. I'm hoping to help clear some of that up for Canadians and for members of this committee today.

I have a few questions, mostly on procedural issues. Let's see how far we get in the first six minutes.

Have your members previously frozen bank accounts of individuals?

Ms. Angelina Mason: Previous to the Emergencies Act?

Mr. Adam Chambers: Correct.

Ms. Angelina Mason: Yes. There are a couple of cases where that occurred, in part because of a court order and in part because of a court proceeding.

Mr. Adam Chambers: Thank you. You answered my second question—that it would follow a court order, typically.

Ms. Angelina Mason: Typically, yes.

Mr. Adam Chambers: Okay.

Ms. Angelina Mason: In one case, they actually applied to court, but yes, they were both court-initiated.

Mr. Adam Chambers: Okay. Thank you.

For clarity, this time, outside of some extenuating circumstances or the examples you mentioned of accounts that are still frozen, a court order was not presented to the banks in these cases. Correct?

Ms. Angelina Mason: That's correct. It was a legal obligation under the Emergencies Act.

Mr. Adam Chambers: Okay. Thank you.

You mentioned the legal obligation. Are you aware of any of your members who decided to not freeze a bank account after having been presented evidence or information from the RCMP?

Ms. Angelina Mason: I am not aware of that, no.

Mr. Adam Chambers: Would you be able to maybe check and confirm that answer with your members and provide that at a future date?

Ms. Angelina Mason: Sure. If there was an individual circumstance of that nature, I would be happy to.

Mr. Adam Chambers: Thank you.

Just for clarity, that's important. We have been told—Canadians have been told, this committee has been told, the general public has been told—that the decision to freeze a bank account rested solely with the financial institutions themselves. Do you feel that's an appropriate characterization of the procedure?

Ms. Angelina Mason: I would say we acted primarily on information provided by the RCMP that was then validated through looking at the bank records.

Mr. Adam Chambers: Okay. Just to clarify that point in particular, if the RCMP provided information about an individual who is a banked individual at one of your members, the extent to which you followed through on that was basically if that individual did have accounts, those accounts were affected and that individual was affected, right? I'm just trying to understand how much investigation or discussion with the RCMP went on, or was it, "Here's the name. We have the name and we will implement the freezing?"

Ms. Angelina Mason: The name was provided along with details of the circumstance and then the banks would look at their particular records and they could validate whether there was activity that was suggestive of the circumstances that were described.

Mr. Adam Chambers: Okay. Thank you.

Once an account is frozen and eventually unfrozen, are there any permanent markers or indications on a client's file to indicate that they had previously had their accounts frozen?

Ms. Angelina Mason: There would be something in the file indicating that a freeze had taken place, but if you're asking how that impacts the relationship, that would depend on the particular risk scenario of any bank. There wouldn't be a blanket approach.

Mr. Adam Chambers: Okay, and do you anticipate banks reviewing the relationships with these individuals on an ongoing basis in terms of the risk relationship?

• (1445)

Ms. Angelina Mason: I would anticipate that they have probably already done that, and if anyone has any concerns about the impact on their relationship with their financial institution, they should contact their financial institution.

Mr. Adam Chambers: Okay. Thank you.

Have you been given any guidance or instruction by the RCMP or any other government official—I'm thinking about the Privacy Commissioner—about how long you are to keep records that either are generated by your institution or passed to you from the RCMP about individuals?

Ms. Angelina Mason: We have not received that type of guidance. There are obligations under privacy legislation to hold information only for the purpose for which it was provided and only for as long as necessary.

Mr. Adam Chambers: Okay. Thank you. In exchange for your carrying out your obligations, what assurances or protections were financial institutions given by the government?

Ms. Angelina Mason: We did receive verbal guidance from the government on the scope of the legislation and how it would apply so that we could ensure that it was implemented within the intended narrow scope, and there is also immunity provided under the order itself.

Mr. Adam Chambers: So as I understand it, you could not be sued or held responsible for any mistake in applying the rule. Thank you.

I have a final question. Prior to February 14, or say the 15th, did your members have any conversations or discussions with the government or the RCMP prior to the Emergencies Act coming into force?

Ms. Angelina Mason: Several of our members did have discussions with the Department of Finance. We were given a heads-up that this was coming but we did not have the specific details. We received the regulations at the same time the general public did.

Mr. Adam Chambers: Thank you very much.

Mr. Chair, I believe that's my time.

Thank you for your willingness to answer the questions.

Ms. Angelina Mason: Thank you.

The Chair: Thank you, MP Chambers.

We are moving to the Liberals.

MP MacDonald, you have the floor for six minutes.

Mr. Heath MacDonald: Thank you, Chair.

Thank you to the guests here today.

I just want to say that all through COVID-19 and leading up to what we're talking about today, collaboration with the big banks has been unprecedented as far as I can remember, so I want to thank you for that, because I think rolling out those programs during COVID-19 was extremely important and your help was appreciated.

It's been said that the existing laws didn't allow the federal government to follow the money regarding illegal blockades and occupations, particularly involving crowdfunding platforms and payment service providers. Do you agree with that assessment, that the existing laws were not sufficient in targeting the financing that was sustaining the illegal activity?

Ms. Angelina Mason: Insofar as they weren't covered by FINTRAC, I would have to agree with that.

Mr. Heath MacDonald: Do you believe there are gaps we need to fill in our current laws and regulations regarding funds being used for illegal activity? Can you provide us in detail what we have learned that is relevant going forward? I'm assuming with crowd-funding and these types of resources that this will not be the last we see of this type of activity.

Ms. Angelina Mason: I can't speak to the Emergencies Act itself, but when you talk about reporting, yes, it does make sense. If you look at it, when we deal with our obligations under the proceeds of crime legislation, they continue to expand the application of that legislation to ensure that they are covering all of the appropriate players.

Mr. Heath MacDonald: On the previous question related to your freezing other accounts or the investigation of any accounts, how many of those accounts are still frozen at the current time?

Ms. Angelina Mason: I don't have the exact number of those that are still frozen. Any ones remaining that are frozen are because of orders, the court orders and the provincial orders. All of the accounts that were frozen as a result of the Emergencies Act that weren't subject to those orders are already unfrozen.

Mr. Heath MacDonald: There was one supreme court of Ontario, I think, judge who froze bank accounts related to that.

Did you guys play any part in that role?

Ms. Angelina Mason: We did not.

Mr. Heath MacDonald: If individuals disputed a decision to freeze their bank accounts, was there a mechanism in place for them—not a hearing but a red flag, to say that this might be a mistake, or is this a recourse or something to that effect?

• (1450)

Ms. Angelina Mason: If someone had a concern, they would contact their financial institution. When a financial institution was acting upon the information provided by the RCMP, then the logical step would be for them to contact the RCMP directly.

Mr. Heath MacDonald: Are you aware of any bank accounts that were determined to have been frozen in error?

Ms. Angelina Mason: Not that we are aware of.

Mr. Heath MacDonald: How did the banks, in conjunction with the RCMP—you mentioned this a little bit maybe in your preamble—possibly determine if one was sustaining an organized illegal activity? What is the red flag that goes up beside the obvious: a large sum of money being deposited into an account? Are there other things you look for when you're trying to make a decision as to whether or not this may be a fraudulent situation?

Ms. Angelina Mason: In the case of persons identified by the RCMP, we could look at the specific transactions.

If you're asking about the other duties under the order that talked about independent determinations by banks, that's a very different scenario. If you're talking about the names that are given, which is what the banks primarily relied on, then you can look at their specific activities.

Otherwise what banks relied on was their risk-based approach. They monitor in a general fashion for unusual activity, but that's a pretty high threshold. If there is threshold found to be unusual, it would then obviously be looked at with the lens of the activities that were happening within Ottawa.

Mr. Heath MacDonald: How much time do I have, Chair?

The Chair: You have a minute and a half left.

Mr. Heath MacDonald: On the other side, basically what I want to ask is about what changes we need to make. You've talked about the process via the RCMP to the bank. Is there anything the big banks have learned in all this, and how do they apply it to further situations relevant to the one we're in today?

Ms. Angelina Mason: Again, this has never been invoked before, so there was some real-time learning, including having clarity upfront as to the scope, which we were able to get. That was in large part attributed to the speed with which the act was invoked, but it was good to know upfront, for example, that no activity prior to the date of the order applied. It was also helpful to know that, once the accounts were frozen, there wasn't a forfeiture, and once they were unfrozen, it was just a release of the accounts. It's those kinds of details that typically you would see in sanctions in other legislation that have been experienced more.

Mr. Heath MacDonald: Thank you.

The Chair: Thank you, MP MacDonald. That was great, right on time.

We are moving to the Bloc and MP Ste-Marie, for six minutes.

[Translation]

Mr. Gabriel Ste-Marie (Joliette, BQ): Good afternoon, Ms. Mason and Mr. Hannah. Thank you very much for coming. I greatly appreciate it.

If I understand correctly, the RCMP provided banks and financial institutions with a list of individuals whose accounts should be frozen. The order allowed banks and financial institutions to freeze the accounts of people who were present at the occupation of Ottawa or who were funding it.

To your knowledge, did your members freeze only the accounts of people whose names appeared on the list provided by the RCMP, or did they freeze the accounts of people whose names did not appear on the list?

[English]

Ms. Angelina Mason: First, I would like to clarify that it was not a case of allowing us to freeze accounts. It was actually a legal duty to freeze accounts, and that's why we were very concerned, given that this was a legal duty, to ensure that it was applied in the very narrow scope of which it was intended.

Yes, in addition to freezing the accounts of those names, there are some situations where accounts were frozen based on the risk-based approach of identifying situations that were suggestive of participation in the activities that were covered by the order.

[Translation]

Mr. Gabriel Ste-Marie: I see, thank you. That's very interesting information.

On the one hand, the banks had to freeze the accounts of people who were on the list provided by the RCMP, and on the other hand, depending on how the order was written, the banks had to freeze the accounts of people who were not on the RCMP list, but who appeared to be involved in or contributing financially to the events in Ottawa.

Since the order was worded rather vaguely, from my point of view, it seems to be difficult to enforce and contains relatively little detail. I would like to return to the question asked by my fellow member Mr. Chambers. He asked you whether the Department of Finance or any other authority, be it the government or the RCMP, had provided you with clearer written instructions on how to proceed. My understanding is that they did not provide written instructions, but rather verbal instructions.

Is this correct?

● (1455)

[English]

Ms. Angelina Mason: So there was no published guidance as you would normally have for regulations, but that would typically be because.... Like I said, I attribute it to the timing. Typically, regulations would be published, you'd have a chance to look at them and ask questions, guidance would be developed and then everything would come into force at once.

But in this case, they were in force all at once, so that's why we had to rely on briefings from the Department of Finance to make sure we had absolute clarity on implementation.

[Translation]

Mr. Gabriel Ste-Marie: From my point of view, it is really difficult to have clear rules when they are not written down.

What instructions were you given in cases where the client in question had a joint account with someone who was not involved in what was happening in Ottawa? What happened to payments for rent, utility bills and child support?

Were you provided with any guidance for these particular cases?

[English]

Ms. Angelina Mason: Typically when an account is frozen, regardless of whether it's a joint account, it freezes the entire account. We did raise with the Department of Finance what you would call "humanitarian exceptions". There weren't any exceptions in the order itself, so we did raise with Finance what you would call "humanitarian exceptions" of the nature that you've spoken about. It was under consideration by Finance, but then became a moot point quite quickly because they had revoked the order.

[Translation]

Mr. Gabriel Ste-Marie: All right. Thank you. That is very enlightening.

In its order, the government did not take into consideration humanitarian reasons, as you say. For example, if a father who had to

pay child support to his ex-wife participated in the protests in Ottawa, the government's order could result in his account being frozen. Ultimately, his children and his ex-wife would bear the brunt of that decision, because of the lack of details in the application of the order. I find this unacceptable. This is, in my view, a serious problem.

Did your members have the impression that they had to play the role of police?

As you said, they didn't have to limit themselves to the list of names provided by the RCMP. They had to determine, using their own risk-based approach, if there were people who might be protesting in Ottawa or funding part of the protest.

[English]

Ms. Angelina Mason: In that case, they were having to identify—again, applying a risk-based approach—the specific activity, and then we would share that information with the RCMP.

[Translation]

Mr. Gabriel Ste-Marie: I see.

It was up to the banks to monitor people.

I still have many more questions, but I see that my time is up, so I will come back to them.

Thank you again for your answers.

The Chair: Thank you, Mr. Ste-Marie.

[English]

We are moving to the NDP and MP Blaikie for six minutes.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you very much.

Thank you to our witness for being here today.

You said earlier that financial institutions had a duty to freeze the accounts of people who were either participating in illegal activities connected to the demonstration or funding illegal activities connected to the demonstration, and you said that the RCMP furnished banks with evidence to the effect of whether or not certain individuals were, in fact, doing those things. Were there other sources of information that banks accepted or sought out themselves on the basis of which they froze or would freeze any account, or was it understood that only names submitted by the RCMP for this purpose would result in actionable account freezing?

● (1500)

Ms. Angelina Mason: To clarify, we relied primarily on the names provided by the RCMP, but there were obligations under the order separate from that, which required banks to make their own determinations. We did not rely on external information. I know there have been suggestions of leaked donor lists, etc., but we did not rely on that information at all. What banks were obligated to do was to apply their normal risk-based approach in monitoring their accounts, as they would do for money laundering or what have you, and if, looking through the lens of the activities in Ottawa, something was then flagged, then there would be an obligation to freeze.

Mr. Daniel Blaikie: Were any accounts frozen for individuals whose names did not appear on the list of names submitted to banks by the RCMP?

Ms. Angelina Mason: Yes.

Mr. Daniel Blaikie: Do you have a sense of the number of those names?

Ms. Angelina Mason: There would be a small number. Again, we're in the customer business, so we wanted to make sure that our obligations here were limited and not in any way incorrectly going to the vast majority of our customers. Based on the numbers from the RCMP, there were 180 accounts out of our largest six domestic banks with over 60 million customers.

Mr. Daniel Blaikie: I think we heard in other testimony that the total number of accounts frozen was something like 206.

Ms. Angelina Mason: Right. That would include other financial institutions, not just banks.

Mr. Daniel Blaikie: Okay.

What would be the other kinds of information, or where would banks access that other information that feeds into their normal risk assessment?

Ms. Angelina Mason: Again, it would be unusual activity. It could be anything from a large deposit, which could happen if someone appeared to be using their personal deposit account as a fundraising mechanism. As I said, there would have to be a threshold applied; it wouldn't involve looking into minutiae.

Mr. Daniel Blaikie: You also mentioned earlier that accounts had been frozen under other authorities, like certain court orders. When accounts are frozen, are people notified under what authority the account has been frozen?

Ms. Angelina Mason: In this case, the order did not address notification, so as with other court orders, it was up to banks how they would deal with it through their usual processes. In some cases, some clients were notified after the fact; in other cases, they weren't.

Mr. Daniel Blaikie: So at the very least, it was administratively possible for banks to disclose to their clients that their accounts had been frozen under the authority of the Emergencies Act.

Ms. Angelina Mason: It was, insofar as doing that wasn't prohibited.

Mr. Daniel Blaikie: If the government had added that as a criterion or a requirement of the legislation, would that be something your members would have been able to comply with?

Ms. Angelina Mason: Yes, if it were a legal obligation, we would have to comply.

Mr. Daniel Blaikie: This is perhaps asking for a little bit of speculation from you, but do you think it would have been useful to banks' clients to know that their account was frozen under the authority of the Emergencies Act, or that if they wanted to pursue remedies against the government, for instance, if they felt that the freezing of their account had been inappropriate, that it would be useful documentation for them to have?

Ms. Angelina Mason: To clarify, I want to distinguish the difference between "notice" and "information".

Even if a bank didn't notify their client, if a client contacted their bank and asked, "Why was my account frozen?", the bank would tell them.

• (1505)

Mr. Daniel Blaikie: Okay, and that's true today. If someone has had their account frozen and they're not sure why, they'd call their bank and ask the question, and the bank would give them the answer of what authority that account was frozen under.

Ms. Angelina Mason: That's correct. Yes.

Mr. Daniel Blaikie: I think it was mentioned earlier...and this was the first time this particular act has ever been used, namely that we've had an emergency declared under this act.

Do you think, if it happens again and similar financial measures are put in place, that it would make sense for the government to require banks to notify clients that their accounts had been frozen as a result of the Emergencies Act?

The Chair: Give a short answer, please.

Ms. Angelina Mason: That's a policy point for the Department of Finance, which we would need to consult on.

The Chair: Thank you.

That's the time for our first round.

Thank you, MP Blaikie.

We are moving into our second round. In this round, we're starting with the Conservatives.

We have MP Lawrence up for five minutes.

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): Thank you very much.

I want to go through the process. The Emergencies Act is invoked, Ms. Mason, and then your members are contacted, presumably by the finance department, and told how the process works. Is that correct? Is that how it went down?

Ms. Angelina Mason: We were given a heads up that it was coming. We weren't given the details of the specific regulations until they were published.

Mr. Philip Lawrence: They were published and then the RCMP gave you briefs that contained evidence that individuals may have been involved in the illegal protest movement. You were then to act based on your legal opinion.

For each one of the briefs provided, did your members have their own independent legal advice, or did they do what the RCMP suggested they do?

Ms. Angelina Mason: It was the RCMP that provided the names. The banks looked at those names and compared them with their records and the activities in their records to validate if they made sense.

Mr. Philip Lawrence: Did your members freeze every single account for which the RCMP provided evidence?

Ms. Angelina Mason: I'd have to get back to you on whether or not there were any accounts that members looked at and said "no".

Mr. Philip Lawrence: Based on the evidence and what I've heard at the last committee meetings, I think you can say that you had the autonomy to say "no", but I don't think you didn't. In fact, the RCMP's providing evidence was tantamount to these people's bank accounts being frozen. There were very few exceptions to that. Would you agree with that?

Ms. Angelina Mason: I would say that it was very challenging to dispute what the RCMP had provided to us.

Mr. Philip Lawrence: Basically, even though you had, in legal terms, the autonomy to say "no", your members didn't, and every account that the RCMP wanted frozen, was frozen. That's generally correct to the 90th percentile or so.

Ms. Angelina Mason: I would have to validate the point, but my understanding is that most of them were frozen.

Mr. Philip Lawrence: Your members are going to do a legal calculation on this. Could you tell me if, in fact, the bank didn't freeze accounts, they could face significant consequences? Is that correct?

Ms. Angelina Mason: I'm sorry. I didn't hear that question.

Mr. Philip Lawrence: Sorry.

If the RCMP provided material that the individual should have had their accounts frozen and your member chose not to freeze them, they could face significant consequences, couldn't they?

Ms. Angelina Mason: There would be concern about not meeting our legal obligation.

Mr. Philip Lawrence: Exactly.

On the other side of that, if they froze an account incorrectly because of the way the proclamation was drafted, there would be no consequences to your members. Is that right?

Ms. Angelina Mason: To clarify that point, the members did not want to freeze any accounts they didn't have to, given that we're in the customer business. We don't want to be invoking that obligation in a way that isn't prudent.

Mr. Philip Lawrence: Sure. I know that your members want to do the best for their clients.

Looking at this on a strictly legal scoreboard, if, in fact, they illegitimately froze a bank account, they would face serious legal consequences. It's clear from the legislation.

Ms. Angelina Mason: Again, I would remind you of the trust our customers place in us to ensure that we fulfill our obligations appropriately.

Mr. Philip Lawrence: Right. There were zero consequences if they froze one incorrectly, but if they didn't freeze a bank account, there were serious consequences. If in fact you were doing your risk management, which banks do very, very well, there would have to be a disposition or a bias towards freezing a bank account as opposed to not freezing a bank account.

• (1510)

Ms. Angelina Mason: I don't think that's actually the way the risk assessment was done. I think it was trying to respect the spirit of what the intent was and ensuring that we were only freezing ac-

counts on what we understood to be individuals or entities that were engaged in illegal activities.

Mr. Philip Lawrence: Yes, but I mean, it's clear that there is a legal bias towards freezing than not freezing, just looking at the legal side of things.

With respect to the information provided by the RCMP to your members, could you provide some explanation as to what was in this bias? For example, would the individual's location, their financial wherewithal, their gender, their race or whether they were indigenous be included?

Ms. Angelina Mason: I don't feel comfortable explaining what was provided to us by the RCMP. I think that's better a question for them.

Mr. Philip Lawrence: Okay. But you received the information, right?

The Chair: We're at time. Thank you, MP Lawrence. I'm sure you'll have another round where you'll have an opportunity.

We are moving to the Liberals.

MP Dzerowicz, you're up for five minutes.

Ms. Julie Dzerowicz: Thank you so much, Ms. Mason. You're doing a wonderful job. Thank you so much for being here today. Thanks for answering all these questions. It sounds like we're almost in a court. We're very curious. You're doing a great job, so thank you.

I want to start off by clarifying, because I want to make sure it's clear in my head, what the banks able were to do with the Emergencies Act that they weren't able to do before that. I think from what I've heard, from what you've said, you were able to freeze accounts without a court order. That's one thing I heard. It also allowed the banks independently to move forward and also do a bit of a review of any type of suspicious activity that might provide enough justification, under the mandate of what we were asking the banks and financial institutions to do, to be able to freeze accounts.

Do I have that right?

Ms. Angelina Mason: Partially. We are already able to look for suspicious activity. That's part of the monitoring we do for anti-money laundering under our obligations under the proceeds of crime legislation. It then invokes an obligation to freeze an account if we found something that was in, again, that limited scope of the activities within Ottawa.

So it was actually creating an obligation to freeze, which is different from what we normally have in the AML world.

Ms. Julie Dzerowicz: Thanks for that clarification. That's very helpful.

In one of her speeches, our Deputy Prime Minister and Minister of Finance said that this was about following the money and about stopping the financing of the illegal blockades. They were serving notice: If their bank was being used in these protests, their corporate accounts would be frozen.

You may not be able to answer this question. When the RCMP provided information to the banks, did they actually say to you that it was because this was a corporate trucking company? Did they give you the reasons? Or did they just give you the information and it was your job just to follow through once you validated things on your end?

Ms. Angelina Mason: They gave a high-level description of what they thought the activities were.

Ms. Julie Dzerowicz: Okay. Thank you.

When I go through the four things that are under the emergency economic measures order, the third states that the government directs “Canadian financial institutions to review their relationships with anyone involved in the illegal blockades and report the assets and related transactions...to the RCMP or CSIS”. When you said that part of what you did under this act was to do a review for suspicious activity, would that be encapsulated into that third thing, or did you actually do more?

Ms. Angelina Mason: No. That was it. What I was trying to distinguish was that when you're given a list of specific names, then you would look at the activities of those specific names. When you're not relying on that but relying on your normal risk-based approach, then it's only that which is the threshold of unusual that catches your eye. Then you look at it in that context.

Ms. Julie Dzerowicz: Okay. Perfect.

This was number four:

Fourth, the order provides federal, provincial, and territorial government institutions with new authority to share relevant information with banks and other financial services providers, if the information will help put a stop to the funding of illegal blockades and illegal activities.

Other than the RCMP, were there any other institutions that provided more information to banks that allowed you to do the freezing of accounts or that led to more enforcement under the Emergencies Act?

• (1515)

Ms. Angelina Mason: I am not aware of that occurring but can check and come back.

Ms. Julie Dzerowicz: Okay. Thank you.

We heard stories that individual bank accounts were frozen for just donating or purchasing merchandise associated with the blockade. The RCMP put out a statement that read: “At no time, did [they] provide a list of donors to Financial Institutions.”

Can you clarify when these measures were implemented and whether or not any of your members applied them retroactively?

Ms. Angelina Mason: Members did not apply them retroactively. The order came into force February 15 and expired February 23. There's been a fair bit of misinformation out there, and I would just ask that when stories like that come up they actually be validated, because, as I said, they would be inconsistent with how our practices are applied.

Ms. Julie Dzerowicz: And—

The Chair: Thank you—

Ms. Julie Dzerowicz: Okay. Am I done?

The Chair: Yes, that's your time.

Ms. Julie Dzerowicz: Thank you so much, Ms. Mason.

Ms. Angelina Mason: Thank you.

The Chair: Thank you, MP Dzerowicz.

We are moving to the Bloc and MP Ste-Marie for two and a half minutes, please.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Our role as parliamentarians is to assess whether the government absolutely needed the Emergencies Act to intervene. It is a law of last resort. Regular legislation covered by the Criminal Code, such as the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, prohibit financial fraud, laundering of ill-gotten gains or financing of criminal activities.

I would like to ask you two questions.

To your knowledge, did the members of your association freeze accounts under regular legislation, such as the act I just named, or did they do it under the Emergencies Act?

How did the Emergencies Act enable members of your association to intervene in a way that regular legislation could not, even if it had been more rigorously applied?

[English]

Ms. Angelina Mason: I'm happy to answer that question.

Again, in the cases of the orders, the court orders, again, were legal requirements, and those were based on court proceedings.

In the case of the Emergencies Act, there was a legal obligation to freeze, which otherwise would not be there.

[Translation]

Mr. Gabriel Ste-Marie: Normally, when banks suspect someone of financing criminal activities, they freeze their accounts. Is that correct?

[English]

Ms. Angelina Mason: It depends on the particular back circumstances of whether it's something that you report versus...and then, you would, for example, report to the RCMP and they perhaps would then get production orders and take it from there, so it is not your typical situation.

[Translation]

Mr. Gabriel Ste-Marie: What you're saying is that it's not a regular occurrence for banks to freeze an account when they suspect financing of criminal activities.

[English]

Ms. Angelina Mason: Right. There is discretion on how you handle it. You can let the RCMP know, and then they would take the particular measures. In this case, it was a legal obligation to freeze. There was no discretion on how a bank could act.

[Translation]

Mr. Gabriel Ste-Marie: All right.

I will ask more questions later.

Thank you.

[English]

The Chair: Thank you, MP Ste-Marie.

We are moving to the NDP and MP Blaikie for two and a half minutes.

Mr. Daniel Blaikie: Thank you again, Ms. Mason.

You said in your earlier comments that the government didn't address the question of notification, and how to notify folks that their accounts had been frozen and under what authority they had been frozen.

In other cases, under other laws where accounts are frozen, is it typical that a court order would address the question of notification?

Ms. Angelina Mason: Quite often, they don't, so again, the members are in a position to apply their usual processes. For example, if someone hasn't paid child support and they get their account seized, a member may decide they don't need to be notified of that—they know they haven't paid child support for many years. It's a question of what the particular approach is, whereas others may choose a different approach.

● (1520)

Mr. Daniel Blaikie: Okay.

On the question of joint accounts, which came up earlier, you said that this was something that was being addressed as a potential problem and there was some discussion about how it might be solved. Do you think it would be useful to carry on those discussions and, in future, if government does ever use provisions like this again, for there to be some more clear direction at the outset as to how difficult cases like those would be managed?

Ms. Angelina Mason: The Department of Finance was considering that, and it became a moot point, but my guess is that they would probably include that themselves.

Mr. Daniel Blaikie: Do you think it would be useful to your members in a future event, if something similar were to happen, to have more direction upfront from the government as to how they'd like those more complicated scenarios to be handled?

Ms. Angelina Mason: Yes. That would be helpful.

Mr. Daniel Blaikie: Thank you very much.

That's good for this round, Mr. Chair.

The Chair: Thank you, MP Blaikie.

We're moving to the Conservatives and MP Fast. You have the floor for five minutes.

Hon. Ed Fast (Abbotsford, CPC): Thank you very much to our two witnesses. I appreciate your being here.

I have two questions. First of all, to follow up on Ms. Dzerowicz's question, you mentioned that donations in themselves would not trigger an assessment as to whether that donation falls under the order that the government triggered. Is that correct?

Ms. Angelina Mason: I said that.... I was trying to establish the application of.... Outside of the names that were provided by the RCMP, a small donation wouldn't have been caught by our normal risk-based approach. What I was trying to emphasize is that it's highly unlikely.

I also want to clarify that we did not rely on external information, including leaked donor lists.

Hon. Ed Fast: I understand.

What if it were a large donation, whether directly to the convoy or through a crowdfunding platform?

Ms. Angelina Mason: If it was conducted during the time that the order was invoked, it would raise that legal obligation.

Hon. Ed Fast: What's the threshold?

Ms. Angelina Mason: There's not a specific dollar threshold. You'd be asking if there was some sort of unusual activity going on.

Hon. Ed Fast: If someone with a bank account with \$10,000 decided to give \$3,000, would that be an unusual activity?

Ms. Angelina Mason: I couldn't speak for the specific circumstance of that monitoring and what would trigger it. It may not, depending on what the normal account activity is like.

Hon. Ed Fast: All right.

I have another question. In the days following the invocation of the Emergencies Act, when information about the freezing of accounts became more public, did the banks notice any increase in withdrawal activity? I was one of those who contacted the CBA to find out, but I'd love to hear it from you.

Was there an increase in withdrawal activity in the days following the triggering of the Emergencies Act?

Ms. Angelina Mason: There are anecdotal stories. There isn't anything of significance, but due in part to misinformation, people thought that if their account was with a bank, as opposed to a credit union, it would somehow make a difference. There was some information and education needed that the Emergencies Act applied regardless of which type of financial institution was engaged, but there has not been anything of concern. It's these anecdotal stories.

Hon. Ed Fast: You referred to anecdotal stories, but as a matter of fact, are you saying that withdrawal activity did not increase measurably?

Ms. Angelina Mason: That's correct.

Hon. Ed Fast: Did you or your industry take any steps to assuage account holders across Canada that, in fact, there wasn't a rush on money at the banks and that everything was going to be fine?

Ms. Angelina Mason: I don't recall making.... We typically don't respond to misinformation about those types of things, but I would turn to my colleague Darren.

Do you know if there were any proactive comments made?

Mr. Darren Hannah (Vice-President, Finance, Risk and Prudential Policy, Canadian Bankers Association): I wouldn't say there were proactive comments. At the end of the day, to Ms. Mason's point a moment ago, we didn't really see a material change.

If people had concerns, each bank would respond to them, but that would be on a customer-by-customer basis.

• (1525)

Hon. Ed Fast: You mentioned, Ms. Mason, that you consulted with the government on the way forward, the scope of the legislation and how the government expected it to be implemented.

Did you fully trust the government to provide you with information that was factually and legally correct, or did you seek out your own legal opinions on how the order and the Emergencies Act should and could be applied?

Ms. Angelina Mason: I would say that the guidance being provided by the government was well within the specific language in the order itself. Obviously, all of our banks have in-house counsel. I myself am counsel. We all would have looked at the order itself and seen what the scope of those obligations was. Then when the government advised of its intent, which made it quite targeted, that was considered to be reassuring.

Hon. Ed Fast: Did you feel that you had any discretion? Say yes or no.

The Chair: Thank you, MP Fast. I'm sorry, but that was the time—

Hon. Ed Fast: All right.

The Chair: —but thank you. I'm sure you'll have an opportunity in another round.

We are moving to the Liberals and MP Chatel for five minutes.

Mrs. Sophie Chatel (Pontiac, Lib.): Thank you, Chair.

Thank you, Ms. Mason and Mr. Hannah, for being with us today. Also, thank you for your hard work in having in Canada such healthy financial institutions.

Just as a point of clarification regarding a concern raised by MP Lawrence, I want to make sure I'm clear on that point. There was immunity for actions that were taken in good faith by financial institutions, but there would be legal consequences for anyone using this legal obligation in bad faith.

Ms. Angelina Mason: That is correct.

Mrs. Sophie Chatel: Thank you.

The proceeds of crime legislation requires banks and financial institutions to report suspicious transactions.

Ms. Mason or Mr. Hannah, could you tell us exactly what a suspicious transaction is?

Ms. Angelina Mason: A suspicious transaction is one that, based on the facts, suggests that money laundering might be occurring.

Mrs. Sophie Chatel: Would that suspicious transaction concept, based on which you have to report, change with the Emergencies Act?

Ms. Angelina Mason: No.

Mrs. Sophie Chatel: Could you explain a little bit the reporting process through which, under existing rules, you have to report to FINTRAC and the RCMP, and your interaction with those organizations?

Ms. Angelina Mason: Sure. When we report to FINTRAC, there are two types of reporting. One involves suspicious transactions, those that suggest money laundering might be occurring. The other kind is threshold reporting, for which we're required to file all types of transactions, regardless of whether they're suspicious or not. Those involve large cash withdrawals, for example, or large EFTs. Those are called "threshold reporting".

Mrs. Sophie Chatel: You explained that things have changed. Under previous rules, you were not legally obligated to freeze accounts once you had found, for example, a suspicious transaction.

Ms. Angelina Mason: Yes.

Mrs. Sophie Chatel: The Emergencies Act was not limited to money laundering. It was covering illegal activities, such as the blockade, as defined within the Emergencies Act, that we could see as expanding, because the previous rules did not require you to report even if you found that there were suspicious transactions that were not necessarily money laundering or terrorist financing but that could be used to finance illegal activities in Canada. Is that correct?

Ms. Angelina Mason: That's correct, in the sense that if we were concerned that someone was using an account for illegal activity, we might raise that with the RCMP. In this case we were actually required to validate against the list provided by the RCMP and also to take specific measures, such as applying a risk-based approach, to look for this specific activity.

• (1530)

Mrs. Sophie Chatel: Using a crowdfunding platform is an obvious way of escaping the scope of the proceeds of crime legislation. It doesn't involve reporting activities, so it's an indirect way of financing illegal activities.

To your knowledge, Ms. Mason, are there any additional platforms that are left out of the current reporting that should be covered, but they are ways of supporting that criminal activity or money laundering or financing of illicit activity that are taking place today?

Ms. Angelina Mason: There aren't, to my knowledge. I could take that away.

As part of our advocacy within the AML space, we have supported the expansion of reporting entities to address gaps, including cryptocurrency, which was recently included, so I can take that away to see if there are any additional ones that we, as an industry, have supported.

You are right that there are gaps that have been closed.

Mrs. Sophie Chatel: I would really appreciate you following up on those gaps, I'm very interested in that.

Thank you.

The Chair: Thank you, MP Chatel.

That is the end of our second round, members.

We're moving into our third round. I'm looking at the time. This will be our last round of questions from members to our witnesses.

We're starting with the Conservatives and MP Albas for five minutes.

Mr. Dan Albas: Thank you, Mr. Chair.

Thank you to all our witnesses for coming and bringing some light on this study from your perspectives.

I'm going to start with Ms. Mason. Typically, when we're dealing with money laundering or sanctions or whatnot, a court order would be necessary. Do banks find it helpful in that a court order may give you a little more comfort when you're freezing or seizing accounts?

Ms. Angelina Mason: With a court order, we are legally obligated to do it. The benefit of the court order is we're not asked to validate anything.

Mr. Dan Albas: The court identifies where, in this case, the RCMP has a legitimate case or maybe where they think, "Okay, you're just fishing for things". In this case, though, you were given names and were asked to start freezing assets. Is that correct?

Ms. Angelina Mason: We were given names and asked to validate against them. It isn't your typical process. I agree with you. In the case of sanctions, there are prescribed lists that have already been reviewed.

Mr. Dan Albas: Can you explain that point? Many people are watching right now and seeing what's happening in Ukraine, and it's important that people understand that there's a usual process that has to be followed.

Can you elaborate on that?

Ms. Angelina Mason: Sure. In the case of sanctions, we're very familiar with and have a long history of implementing economic sanctions within Canada. It's a known process, so when individuals and entities are named and particular actions are restricted, we've been able to implement those in the past.

Some of the complexity of the Emergencies Act was, because it had never been invoked before, we had a number of questions about various things on how to implement it.

Mr. Dan Albas: When the government wants to put in place a sanction, they have to go through a court process so you can have lawful authority. Is that not the case?

Ms. Angelina Mason: I'm sorry. It's not a court process. I believe when the sanctions are invoked, it is a government process.

Mr. Dan Albas: It's a separate process from that. Thank you.

The next question I would ask is, in the usual process, when the courts limit it, it gives you a bit more comfort when your clients have to move forward.

Do they have an obligation to tell the client of the bank that their assets have been frozen under an order?

Ms. Angelina Mason: Not necessarily. Orders may not provide it at all.

First of all, in some cases, orders may not specifically address notice. In other cases, orders are required to be kept confidential. It really does depend on the specific order.

• (1535)

Mr. Dan Albas: I have no further questions.

Thank you, Mr. Chair.

The Chair: Thank you, MP Albas.

We are moving to the Liberals and MP Maloney for five minutes.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Thank you, Chair, for the opportunity and letting me participate today.

Thank you, Ms. Mason. This has been very informative.

Let's go back to what you said at the beginning. You said you would act on information from the RCMP and then you would clarify it through the bank records. A moment ago in response to Mr. Albas, you had a discussion about the validation component to this.

Can you take us through the validation aspect of this? That's obviously very important to the discussion.

Ms. Angelina Mason: It would depend on each particular institution and what was in their records. Let's say, for example, that they said this individual has been funding events in Ottawa, and then you can see....

Again, it's because we were asked to look at these specific individuals that we then looked specifically into their transactions or accounts. We could then validate that, yes, those transactions were occurring and they're of the nature that was described to us. This was very different and separate from how we were managing people who weren't on the list.

Mr. James Maloney: Thank you.

Am I accurate, then, in saying that every request you received from the RCMP was subject to this validation process?

Ms. Angelina Mason: That's correct.

Mr. James Maloney: Thank you.

What would the turnaround time typically have been during that week or nine days?

To be clear, the request was coming from the RCMP, not from the government, right?

Ms. Angelina Mason: That's right. The lists came from the RCMP.

My understanding is that the government did not have a line of sight into those lists, but, obviously, the guidance on how to implement was coming from the government.

Mr. James Maloney: Thank you.

Once you received a request from the RCMP, take us through how long it would take to implement the freeze.

Ms. Angelina Mason: We were implementing quite quickly. We had staff ready. It would have been within 24 hours.

Mr. James Maloney: Built into that request time was some back and forth with the RCMP, if you had any questions or there was any uncertainty.

Ms. Angelina Mason: That's correct.

Mr. James Maloney: The RCMP didn't come into the situation the day the Emergencies Act was invoked. They, in fact, had been dealing with these actors out in Ottawa who were involved in this for some time prior to that. So they came to this with much more background. This wasn't something new to them. Is that fair to say?

Ms. Angelina Mason: That's correct, which is why I say we primarily relied upon them. They were coming to us with a rather limited but definitive list.

Mr. James Maloney: Thank you.

Through your experience and from talking to your member organizations, would you agree that the RCMP was willing to work with feedback received from financial institutions to make sure the requests were implemented properly?

Ms. Angelina Mason: Yes.

Mr. James Maloney: Thank you.

I think you said earlier that 180 accounts were frozen through the banks. Is that correct?

Ms. Angelina Mason: That's correct.

Mr. James Maloney: Do you have data on how many of those accounts were corporate or businesses as opposed to individuals?

Ms. Angelina Mason: I could get a breakdown of it, but there were at least a couple of corporate. I'm working from memory now.

Mr. James Maloney: But most of them, I would suspect, would have been businesses, corporations or larger entities, that were involved in the protest. Is that fair to say?

Ms. Angelina Mason: No, I would say there was a balance. There were a number of individuals.

Mr. James Maloney: Thank you.

I think you already addressed this earlier in response to Ms. Dzewicz's question and maybe Mr. Lawrence's. With respect to this notion out there and in making sure that information is correct, there are stories that have been circulating about little old ladies who had their bank accounts frozen and they had only \$50 in their bank account. The bank would use the validation process to make sure something like that didn't happen, I'm assuming.

Ms. Angelina Mason: That would not even hit the radar. That's why it wouldn't happen.

If anyone has any question, they should contact their bank. That's not what would have happened. It would have been for something

else. It would have been that, perhaps, they had gone over a certain limit, but it would not be because of the Emergencies Act.

Mr. James Maloney: That's great. Thank you. That's why this discussion is so important. Sometimes, in the political climate, these things get inflated and distorted, so I appreciate that answer.

My last question, then, is this: Do you have information about how many of those 180 accounts were held by Canadian actors as opposed to actors outside of the country?

Ms. Angelina Mason: I do not have that information.

Mr. James Maloney: Is that information you could obtain for the committee?

• (1540)

Ms. Angelina Mason: That's something I could take away.

Mr. James Maloney: Thank you.

Those are all my questions, Mr. Chair.

The Chair: You're right on time.

Thank you, MP Maloney.

Thank you for joining us.

Next is the Bloc and MP Ste-Marie for two and a half minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Kim Manchester, from the company ManchesterCF, said banks will likely keep tracking those individuals flagged by the RCMP and their names could end up on private-sector third-party databases that financial institutions rely on to fight money laundering and terrorist financing.

Ms. Mason, do you agree with this statement? What are your comments?

[English]

Ms. Angelina Mason: I'm sorry, but could you repeat the question?

[Translation]

Mr. Gabriel Ste-Marie: I would like your reaction to a statement made by Kim Manchester, from the company ManchesterCF, who said that banks will likely keep tracking those individuals flagged by the RCMP and their names could end up on private-sector third-party databases that financial institutions rely on to fight money laundering and terrorist financing.

[English]

Ms. Angelina Mason: Okay, that is similar to the question that was asked earlier, about the impact of someone's being identified by the RCMP. As I mentioned before, there would not be a blanket approach. Each organization would determine their risk assessment, as they always do, based on the specific individual. If any individual had any concern about their banking relationship, they should contact their financial institution, but there would not be a blanket approach.

[Translation]

Mr. Gabriel Ste-Marie: Some institutions could keep names that were flagged and lists could circulate. These concerns may therefore be well founded. Is this the case?

[English]

Ms. Angelina Mason: I'm sorry, but when I say there wouldn't be a blanket approach, what I'm saying is that a bank wouldn't all of a sudden generate a list and say "Here are the lists that we've received". It's no different from your learning that someone else had conducted an activity in your account. They risk-assess the accounts, as they do, and if they hear about that activity, they will assess each individual circumstance. It wouldn't be, "Oh, we're going to list all these people here and treat them a certain way". It would be done on a customer-by-customer basis.

[Translation]

Mr. Gabriel Ste-Marie: Thank you.

The information will be saved, as you explained in your answer to Mr. Chambers.

I have no further questions.

[English]

The Chair: Thank you, MP Ste-Marie.

We are moving to the NDP and MP Blaikie for two and a half minutes.

Mr. Daniel Blaikie: Thank you.

I think one of the important tasks for this committee is going to be to try to make some recommendations to government about what it did that it perhaps should not have done, or how, if it does similar things in the future, it could do them better. I'm just wondering. As you have said many times, banks are customer-based organizations. This clearly was something that had an impact on some customers. I'm wondering if you have any recommendations that you want to offer to the committee for its consideration about what kind of supplementary direction government might provide or what else it might seek to include in a similar order, in order to have a better process in the event that something like this happens again.

Ms. Angelina Mason: I would say pretty much that having had from the get-go the clarity we were getting in real time would be very helpful. First of all would be being able to assure our customers right away that the vast, vast, vast majority of them will not be impacted by this. I would say that, as with other things, when you're used to a process, then you know what to expect. In this case, it would have been helpful to have had that in advance.

Mr. Daniel Blaikie: Okay. Is there anything else you would put before the committee for its consideration?

Ms. Angelina Mason: There is not at this time.

Mr. Daniel Blaikie: Thank you very much.

The Chair: MP Blaikie, is that...?

Mr. Daniel Blaikie: That's good for me, Mr. Chair.

The Chair: Okay. Thank you.

We are moving to the Conservatives and MP Chambers.

You have the floor for five minutes.

Mr. Adam Chambers: Thank you very much, Mr. Chair.

Perhaps I'll pick up where my colleague Mr. Blaikie finished. In terms of some of the information that you said would have been helpful for clarity at the beginning, are you talking about before the order is announced or just as you're leading up to the situation that there should be a little bit more back and forth between government and industry, or would you say that line of communication was open?

● (1545)

Ms. Angelina Mason: I would just say that obviously we weren't able to ask specific questions until we saw the regulations themselves. I give the government credit for moving quickly, but it was still very much in real time, whereas—and again I attribute it to the fact that this was an "emergencies act"—under the normal process, you would have an opportunity to do that before things were enforced. However, I appreciate that was the context in which the act was invoked. The question was about the context of our doing this again, now that we have learned.

Mr. Adam Chambers: Thank you.

Do you think there could have been more transparency, whether on the part of industry or government, in terms of how the powers were being used while they were being used?

Ms. Angelina Mason: You're talking about powers, so I just want to be clear. We had legal obligations, and for us it was more about understanding what the extent of those obligations was.

Mr. Adam Chambers: I'm thinking more in the context of transparency for the public.

Ms. Angelina Mason: I see.

Mr. Adam Chambers: You mentioned misinformation. One of the challenges that many of us had—speaking as a legislator who was asked to decide or to vote on whether the act was needed—was that there was not a lot of transparency on how these extraordinary powers were being used, both by government and by industry.

I would submit that one of the reasons you saw some potential misinformation was because there wasn't a lot of transparency of how many accounts would be affected, or the thresholds that were being used.

Do you think that more transparency would be helpful in the future?

Ms. Angelina Mason: I can say that we, as an industry, went out with media messaging. We have the active messaging in place for all of our customers. At a certain point, Finance had made comments about clarifying the very targeted scope.

Mr. Adam Chambers: Okay. Thank you.

On procedural fairness, we talk a lot about notification and the process through which this might happen normally, having a court order and an opportunity for someone whose regular job is to evaluate evidence to do it. Banks do a lot of good work on the money laundering side, but I'm not sure you're the best equipped to deal with the regular weighing of evidence and determinations on restrictions or whether bank accounts should be frozen.

Are there currently gaps in industry that will now look to be filled to get more information or capabilities on this side of the House?

Ms. Angelina Mason: I don't see it so much as gaps being filled. I think the difference is that, because this was mandated, versus allowing organizations the discretion to decide when something should or should not be reported—for example, to engage law enforcement or what have you—that is what presented the challenge.

Mr. Adam Chambers: Perhaps as a final point on procedural fairness, I hope you and others can understand that the reason we care about procedural fairness is that.... It's not so much that you might look back now and say that everything seemed to go okay because it was targeted, etc., but because we have these procedural fairness requirements in the charter and other places in criminal law so that there will be no abuse in the future, even though there could be. It's important for us to understand what some of those gaps might be, so that we can fill them in the future.

I appreciate your answers today.

I would say to other witnesses and, perhaps, to members of the government listening, I've really appreciated your concise answers here at this committee. It's made our job a lot easier and I would hope that other witnesses review your testimony and see how clear and concise you can be.

Thank you very much.

Ms. Angelina Mason: Thank you.

The Chair: Thank you, MP Chambers.

Members, we have the Liberals up for five minutes and MP MacDonald will be the last questioner.

MP MacDonald, you have the floor for five minutes.

Mr. Heath MacDonald: Thank you, Chair.

I have two or three rapid questions. Your testimony here today really serves a very distinguished purpose in being relevant to what the public was asking. I echo Mr. Chambers' comments. I thought your answers were very well put. We all appreciate your time and your effort and everything you've done. We hope we won't always have to have you back.

I'm assuming that once the review is done, which is mandated through the legislation, we'll end up strengthening and reviewing all aspects of this process and the protocols.

This enforcement played a very significant role in ending this blockade. We're seeing those restrictions and sanctions across the board now internationally. They're playing an integral part, so our financial institutions are going to come to the forefront when you look at Bitcoin and cryptocurrency and how things are non-regulated at some point.

Someone mentioned FINTRAC a couple of times. Did FINTRAC notify you of any irregular transfers coming from abroad during the time the act was invoked?

• (1550)

Ms. Angelina Mason: No. It would work the other way around. What we would do is provide intelligence to FINTRAC.

First of all, as I mentioned, there is threshold reporting, so any international transactions over the 24-hour, \$10,000 threshold would be reported to FINTRAC. If there were any unusual activity, we would report it to FINTRAC. They, as the central repository for that level of intelligence, would then make connections and conduct disclosures to law enforcement.

Mr. Heath MacDonald: Chair, I don't have any more questions. I think we've very significantly covered most questions—maybe even two or three times—but I would appreciate it if Ms. Mason could give us a quick overview going forward of her personal or professional opinion on how we can make things better overall if we have to go through this again.

Ms. Angelina Mason: Great. I would say that it's basically what we've covered off, which is understanding the scope and the limited nature of this. Again, we were told that it was going to be temporary and very targeted, so we worked within that, but with regard to a proper assessment of the Emergencies Act itself and how it would be invoked, I think it's really not our position to comment on that. That should be covered by the review itself.

Mr. Heath MacDonald: Thank you for your time.

Ms. Angelina Mason: Thank you.

The Chair: Thank you, MP MacDonald.

I just want to say kudos to Ms. Mason and Mr. Hannah, our witnesses from the Canadian Bankers Association. I think you heard that from MP Chambers and MP MacDonald in this respect, but their sentiment, I believe, is that of all members.

The many questions you answered here today in a very clear, concise way will help inform our committee and this report on the invocation of the Emergencies Act. We thank you so much.

Again, on behalf, of the members, the clerk, the staff and the interpreters, everybody who is involved in allowing this committee to function, we thank you very much.

Ms. Angelina Mason: Thank you for having us.

Mr. Darren Hannah: Thank you.

The Chair: Thank you.

On that note, members, we are going to suspend for five minutes as we transition to our second set of witnesses.

• (1555)

(Pause)

• (1600)

The Chair: Welcome back. I call this meeting back to order.

We are into our second panel, members. The witnesses with us today are from the Royal Canadian Mounted Police. We have Michel Arcand, assistant commissioner, federal policing, criminal operations, and, I believe, Superintendent Denis Beaudoin, director, financial crime.

With that, I will allow them the floor for their opening statement.

Assistant Commissioner Michel Arcand (Assistant Commissioner, Federal Policing Criminal Operations, Royal Canadian Mounted Police): Thank you, Chair.

Good afternoon, Mr. Chair and honourable members of the committee. I am Assistant Commissioner Michel Arcand, responsible for the national picture of ongoing high-priority federal policing criminal investigations, including financial crimes. Joining me, as was mentioned, is Superintendent Denis Beaudoin.

I am here today to discuss the RCMP federal policing program's use of the emergency economic measures order. I can say that from the program's perspective, the measures available to law enforcement under the Emergencies Act and order were welcome. Under this order, law enforcement and monitoring agencies were able to work more closely with Canadian financial institutions and use those financial measures to strongly encourage individuals to leave the illegal protests and deter the counselling of others to commit related criminal offences.

This order gave financial institutions the ability to freeze financial products of individuals and companies suspected of involvement in prohibited activities during the public emergency and for law enforcement to share information with financial institutions for that purpose. Additionally, the order broadened the scope of Canada's anti-money laundering/anti-terrorist financing rules to include crowdfunding platforms and payment service providers, including virtual currency.

With the order in effect, the RCMP worked closely with municipal and provincial partners to collect relevant information with regard to persons, vehicles and companies directly or indirectly involved in the prohibited and illegal activities relating to the blockades—in particular, the owners and drivers of vehicles who did not want to leave downtown Ottawa.

The RCMP federal policing program leveraged real-time policing techniques from the Ontario Provincial Police and the Ottawa Police Service to validate and corroborate the presence of individuals in the illegal protest and then acted as the central point of contact between police-derived information and the financial institutions. Through the receipt of this information, along with other information at law enforcement's disposal, financial institutions could then assess whether or not to take action.

During the eight days when the emergency economic measures order was in place—from February 15, 2022, to February 23, 2022—the RCMP disclosed information on numerous entities to the banks, the Canadian Bankers Association, the Investment Industry Regulatory Organization of Canada, the Canadian securities administration, credit unions and the Mutual Fund Dealers Association.

It is the RCMP's understanding that at least 257 accounts were frozen by financial institutions, and the RCMP disclosed information on 57 entities to financial institutions and other listed entities. Additionally, the RCMP identified and disclosed 170 Bitcoin wallet addresses as receiving funds linked to the HonkHonk Hodl crowdfunding campaign, which raised 20.7 Bitcoin with a value of between \$1 million to \$1.2 million Canadian during the period when the Emergencies Act was in force.

Many of these cryptocurrency wallet addresses were disclosed to virtual currency money service businesses via a series of cryptocurrency alerts noting that these e-wallets were linked to a joint RCMP

and Ontario Provincial Police investigation and directing these businesses to cease the facilitation of any transaction and to disclose any transaction information linked to the RCMP. The RCMP was also very clear to communicate that the measures under the order were not retroactive and to apply them only during the time that the order was in effect.

Finally, it is important to note that the emergency economic measures order does not contain any enforcement provisions. Therefore, no charges were laid by the RCMP under this order.

● (1605)

As per the powers of the order, the RCMP was in constant communication with the financial institutions to ensure that they were provided with the most up-to-date information possible on the status of entities of interest so that the financial institutions could make the most informed determination possible before taking action to freeze, or unfreeze, financial products within their holdings.

The RCMP continues to instruct anyone inquiring about the process of unfreezing assets to contact their financial institution, as the authority for this action rests with them.

To conclude, these measures enhanced the effectiveness of law enforcement's investigations pertaining to the blockades, and helped contribute to a peaceful and timely end to the public emergency.

Thank you for your attention. I would be happy to take any questions you may have.

The Chair: Thank you, Assistant Commissioner Arcand.

We will now move to our first round of questions. Each party will have up to six minutes to ask questions of our witnesses.

First up is the Conservatives.

MP Chambers, you have the floor for six minutes.

Mr. Adam Chambers: Thank you very much, Mr. Chair.

Welcome to our witnesses. Thank you for sharing some of your time with us this afternoon. We just had some testimony from the Canadian Bankers Association, so some of our questions will relate to that. I don't know if you had a chance to hear some of that testimony, but we'll get started.

In circumstances where the Emergencies Act has not been used in the past—I'm thinking of the regular process, if you will—can you outline for the committee what process is used to have an individual's bank account frozen?

A/Commr Michel Arcand: I will let Superintendent Denis Beaudoin answer the question.

Superintendent Denis Beaudoin (Director, Financial Crime, Royal Canadian Mounted Police): Good afternoon.

Normally, you would have to bring an application to the court to have somebody's assets frozen or seized.

Mr. Adam Chambers: Okay. Thank you.

This is with regard to the reason that the Emergencies Act was so necessary, in this case, with respect to clients of the financial institutions. Was it a timing issue that we weren't able to go to court? What was the necessity of the act for this circumstance?

A/Commr Michel Arcand: The necessity of the act in this case was to serve law enforcement to be able to discourage people from maintaining their involvement in the illegal protest, and also to give the power to the banks to freeze accounts. The RCMP didn't have the power to freeze the accounts; it was the banks that froze the accounts. It gave us more power to discourage people from being active in the illegal protest.

• (1610)

Mr. Adam Chambers: Right, but presumably you could have gone to court, as in a normal course, presented evidence and had individuals' accounts frozen through that means—correct?

Supt Denis Beaudoin: The difference, as Assistant Commissioner Arcand mentioned, is that under the normal process, you would have the assets seized for a long period of time relating to an ongoing case. In this case, there was no provision for a long-term seizure of assets. It was during the time of the economic measures and the assets would be unfrozen afterwards. So the processes were quite different.

Mr. Adam Chambers: Okay, but we are setting aside some of our regular procedural fairness in the sense that a court did not make the determination on whether assets should be frozen. We had private sector entities making adjudications and weighing evidence. Is that correct?

Supt Denis Beaudoin: Yes. That's correct. The financial institutions had the onus to freeze or unfreeze assets.

Mr. Adam Chambers: Okay. Thank you.

Can you describe at a high level what some of the information might have looked like, or might have been, from the RCMP to the banks? Was it a list of individuals for banks to review their own files with, or was it files on each individual in particular? What kind of information was exchanged from the RCMP to financial institutions?

A/Commr Michel Arcand: As mentioned earlier, we work closely with the Ontario Provincial Police and the Ottawa Police Service. Throughout that time, intelligence was gathered and the RCMP, when the measure was applied, did offer to be the centre point for contact and sharing of information with the financial institutions. Intelligence was gathered by law enforcement, including by us, and that is how we provided names of entities to the financial institutions, based on the information received from the Ontario Provincial Police and the Ottawa Police Service.

Mr. Adam Chambers: Okay. We know of at least one case in which the Ontario government, the attorney general, actually sought a court order for an injunction to freeze assets. Was that process considered at the federal level with the RCMP?

Supt Denis Beaudoin: We were aware that some assets were frozen, but again, the assets were not frozen by the RCMP. It was

up to the banks. We volunteered the information to the banks to make the determination. There were two orders under which assets could be frozen, and even more so as civil orders were obtained later on.

Mr. Adam Chambers: Thank you.

Do you feel that there would have been less misinformation if there was more transparency at the front end in terms of thresholds and applications of the scope of the order? There was some considerable concern and/or misinformation circulating about scope.

A/Commr Michel Arcand: The scope of law enforcement was really limited to the people, the entities, that influenced the protests and that were very active. We limited it where we could and asked the banks to freeze some accounts so we could discourage the people who were influencing the protest, and also truck drivers or companies that were not moving out of the downtown. It was not a large approach on this, and we really focused on individuals who were influencing.

• (1615)

Mr. Adam Chambers: Thank you very much.

I believe that's my time.

The Chair: Thank you, MP Chambers.

We're moving to the Liberals and MP Dzerowicz for six minutes.

Ms. Julie Dzerowicz: Thank you so much, Mr. Chair.

I want to thank Assistant Commissioner Arcand and Superintendent Denis Beaudoin for being here today. This is a very important study for us.

If I understand correctly—just because I want to understand what the Emergencies Act would allow the RCMP to do that they weren't able to do before—while you could have gone for a court order before, the Emergencies Act actually allowed the RCMP to act much more quickly, and it was also more temporary or time-limited in terms of freezing the accounts. Do I understand that correctly?

A/Commr Michel Arcand: You're right.

Ms. Julie Dzerowicz: Thank you.

How important was removing the ability to access funds to ending the occupation in Ottawa and preventing future blockades?

Supt Denis Beaudoin: We have to understand that when we started enforcing or sharing the information with the banks, it was unknown how the blockades would end, so it was beneficial to put this in place to ensure that the blockades would conclude as peacefully as possible. Then, if there was any violence, it would be limited so that people wouldn't have access to additional funds to facilitate the criminal offence.

Ms. Julie Dzerowicz: Just to draw that out a little bit more, while there were a certain number of blockades that had ended, was there concern on behalf of the RCMP that there could be some additional blockades?

A/Commr Michel Arcand: There was concern and there was monitoring across the country. We looked at the Ambassador Bridge. We looked at Coutts in Alberta, and we looked at Emerson in Manitoba, as we had to monitor whether there was a risk of having more blockades eventually across the country.

Ms. Julie Dzerowicz: Thank you for that.

Commissioner Lucki has stated that the RCMP used the tools and the Emergencies Act not only to help disperse the blockades, but also as a preventative measure, which we're talking about now. Can you talk more specifically about how the financial powers under the act were used as a deterrent to help prevent future blockades?

A/Commr Michel Arcand: When we provided the entities to the financial institutions and the institutions started to freeze accounts, we did reach out to some entities to see if they had left the area—for example, Ottawa—and some comments we received were “We're not going to go back. We're back home. Please unfreeze our accounts.” Just to do this discouraged people from coming back, because they didn't want their accounts frozen. Actually, some people left, being afraid that their accounts were going to be frozen.

Ms. Julie Dzerowicz: If I understood correctly, just knowing that their accounts might be frozen encouraged people to go home and also encouraged people to stay home and not come back—those who might have participated initially in any of the blockades.

Did I understand that correctly?

A/Commr Michel Arcand: Yes.

Ms. Julie Dzerowicz: Thank you.

Just so I can connect the dots for people in my riding and other Canadians who might be listening, a lot of the money came in through crowdfunding platforms. We're talking about freezing accounts. I'm assuming—and please correct me if I'm wrong—that the way people who were part of the occupation or part of the blockades were able to access some of these funds is that they were transferred from the crowdfunding platform, where they collected the money, into a bank account. Do I understand that correctly?

Supt Denis Beaudoin: I think you're.... The focus of enforcing these emergency measures was strictly to block the funds of people who were identified. The larger investigation as to where the money came from and how it was distributed I think is outside the scope of the emergency measures. It's more in line with the overall criminal investigation.

Ms. Julie Dzerowicz: Okay. If I understood you correctly, you're kind of saying that the crowdfunding platforms collected the money, but where the RCMP was able to play or do something is once it got into an account. When there was money into an account that could be attributed to the Ottawa occupation or the blockades, that's where the RCMP was able to collect the data and then distribute that to financial institutions.

• (1620)

Supt Denis Beaudoin: It's important to understand that the focus of the RCMP, the intelligence, came from the trucks and the people who were present in Ottawa. It wasn't the focus to start with donors or anybody who had received money. The point of using these tools

was to make sure that people left downtown Ottawa as peacefully as possible, so we concentrated our efforts in identifying who was present in the downtown area, and this is the information that we ended up sharing with the financial institutions.

Ms. Julie Dzerowicz: Okay.

For my last question, I know there were certain gaps in terms of what the Proceeds of Crime (Money Laundering) and Terrorist Financing Act could actually cover in terms of activities. Can you give us an idea of what the Proceeds of Crime (Money Laundering) and Terrorist Financing Act did allow for and what gaps the invocation of the Emergencies Act addressed?

The Chair: Could we have a short answer, please?

Supt Denis Beaudoin: The short answer is that it made crowdfunding platforms have the obligation to report any payments to FINTRAC, which were not covered before.

Ms. Julie Dzerowicz: Thank you.

The Chair: Thank you.

Thank you, MP Dzerowicz.

We are moving to the Bloc and MP Ste-Marie for six minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Mr. Arcand and Mr. Beaudoin, thank you for appearing before the committee this afternoon.

I would also like to thank you and your colleagues from the RCMP and the other police forces involved for the joint operation you conducted. It was all very calm and orderly, which was truly impressive.

Many parliamentarians were brought to Parliament in your vehicles by your police officers. We were able to follow the whole operation from inside, from where we saw most of the trucks eventually leave on their own. Having seen other protests in the past, I can tell you that this one ended very peacefully. I thank you and take my hat off to you.

When the government decided to invoke the Emergencies Act and issue the three orders that accompanied it, what happened on your end? Did the government consult you? Did the RCMP ask the government to invoke the act? Did you advise the government on elements of the act or on what should be in the orders?

A/Commr Michel Arcand: Consultations were held, and we made recommendations on certain points. However, the RCMP does not ask for the act to be invoked; the RCMP only enforces it. When the Emergencies Act was put in place, the RCMP simply enforced the measures prescribed.

Mr. Gabriel Ste-Marie: Thank you very much.

On the subject of consultations regarding financial measures, was it the RCMP who indicated to the government that freezing bank accounts could be an effective measure to encourage protesters to leave?

A/Commr Michel Arcand: The answer is no.

Mr. Gabriel Ste-Marie: Thank you.

How did the relationship between the RCMP and the government work on a daily basis? Did each department contact you, or was there a government spokesperson who consolidated aspects of the various departments that communicated with you? How did communication on those various aspects happen on a day-to-day basis between the RCMP and the government?

A/Commr Michel Arcand: The conversations with the government took place at various levels. The government communicated with the commissioner and with me through a number of government programs.

Mr. Gabriel Ste-Marie: Thank you.

Is the RCMP in the habit of working with banks and financial institutions? We heard that the RCMP provided a list of names to the banks and financial institutions. How did that work?

• (1625)

A/Commr Michel Arcand: The RCMP works with financial institutions on a regular basis. Of course, with the emergency measures being put in place, financial institutions and police communicated more.

When the Emergencies Act was invoked, the RCMP offered to serve as the point of contact with financial institutions, on behalf of Ontario Provincial Police and the Ottawa Police Service, and that's what we did. The information on the individuals that we provided to the banks was based on information from the Ontario Provincial Police and Ottawa police, as well as our own information.

Mr. Gabriel Ste-Marie: Thank you.

When the finance officials appeared before the committee, we found out that the department had not provided the banks with any written guidance on how to deal with the accounts in question. For instance, they didn't receive any guidance on how to handle a joint account or an account from which child or spousal support payments were being made.

Can you tell us whether the RCMP had dealings with financial institutions or the government in relation to the details of the oral communications provided to the financial institutions or the details for freezing accounts?

A/Commr Michel Arcand: We did not have any discussions on the methods the banks would use to freeze and manage the accounts in question. We discussed how the information would be communicated to the banks, which were responsible for freezing the accounts.

We are unaware of whether the financial institutions and the finance department had any discussions.

Mr. Gabriel Ste-Marie: Basically, if those issues did come up, it would have been during the discussions between the financial institutions and the finance department. They weren't raised with you.

Broadly speaking, financial crime seems to be booming. The situation is ever-changing. Would you say the RCMP has enough funding and resources to combat all the types of financial crime out there?

A/Commr Michel Arcand: The RCMP works very closely with the private sector and other law enforcement agencies. The regime helps us make headway as well. Is the RCMP underfunded and un-

derstaffed? On the whole, the RCMP has a significant problem when it comes to resources.

However, we use the resources we have to combat organized crime. As far as money laundering is concerned, we work closely with the Financial Transactions and Reports Analysis Centre of Canada and other sectors.

Mr. Gabriel Ste-Marie: Thank you.

I see the chair is about to interrupt me because he doesn't like when I get on this topic.

I'm kidding. I'm out of time.

[English]

The Chair: No, of course, ask all the questions you want to.

[Translation]

Thank you, Mr. Ste-Marie.

[English]

We are moving to the NDP and MP Blaikie for six minutes.

Mr. Daniel Blaikie: Thank you very much.

I just want to go over this ground again. It's been said that these leaked lists of donors were not part of the information that was passed on by the RCMP to financial institutions. So how did the RCMP develop the list that they forwarded on to financial institutions? Would RCMP members on the ground have taken licence plates and derived the identity of the owner of the car that way? Were they card-checking people on the street in Ottawa? How did they identify the individuals who ended up on a list of names that the RCMP communicated to financial institutions?

A/Commr Michel Arcand: We did share information received from Ottawa police and Ontario police that was gathered initially. There were 15 entities provided to us based on information collected by those services.

The next phase was actually looking at the trucks or vehicles that didn't want to leave, that were blocking the downtown area of Ottawa in the illegal protests. We gathered intelligence information based on licence plates, names of companies and drivers at the same time.

Mr. Daniel Blaikie: Okay. We've also heard that only the names of people who were in the area were passed on. Was it only the names of people who were thought to be in Ottawa that were passed on, or were there names from the border blockades as well?

• (1630)

A/Commr Michel Arcand: We only looked into the use of the measure in Ottawa. It is possible that somebody from B.C. was located in Ottawa, but we looked at Ottawa only.

Mr. Daniel Blaikie: It's also been said that once people left the area in Ottawa, their accounts could be unfrozen. What did that process look like? Was that a kind of individual-led process? They got out of the area and they wanted to let somebody know. They wanted their account unfrozen, so they were going to call the RCMP or their financial institution. Did the RCMP proactively provide information to financial institutions if the RCMP independently was satisfied that the person had left? What was the verification procedure for unfreezing accounts, for confirming that people were no longer in the area in Ottawa?

A/Commr Michel Arcand: Some were as you just mentioned. People tried as well to go through the banking institutions to prove that they had left the area. Some of the information we had showed that a person had left the area, but you need to realize that even though the blockade was taken down in a few days, the downtown was very volatile, so we needed to make sure that the risk was not present. We also took the initiative to reach out to some entities to have a discussion with them, and from there we identified which ones were or were not designated and we provided information to the institutions so they could take action.

Mr. Daniel Blaikie: One of the things we've heard is that when people's accounts were frozen under the authority of the Emergencies Act, it was up to the financial institution that they bank with to decide whether to notify them that their account has been frozen under the authority of the Emergencies Act.

Do you think that ensuring that people were notified that their account was frozen as a direct result of the authorities granted under the Emergencies Act would have helped or enhanced the deterrent effect of freezing accounts?

Supt Denis Beaudoin: It's hard to really establish whether or not it would have helped, but what I can say is that proactively, before providing information to the banks, the RCMP also contacted a number of people to ask them where they were, and a lot of them would answer that they were in the blockades and they were not leaving, for example. Then we would tell them at that point so they would be aware of the emergency measures.

On top of the situation being very public, we also took action to call people ahead of time, before the information was provided to the financial institutions.

Mr. Daniel Blaikie: Would you say that the RCMP at least made an effort to contact everyone who was on the list you shared with financial institutions, prior to handing over the name?

Supt Denis Beaudoin: We have to understand that, as Assistant Commissioner Arcand said, 15 entities were provided by the Ontario Provincial Police and the Ottawa Police Service. Of the rest that the RCMP provided, I want to say that for the vast majority of them, an attempt would have been made to contact them to ascertain where they were before it was provided.

Mr. Daniel Blaikie: In the cases where those attempts were not made, would that be because the person met certain criteria, or would that be because of what we might colloquially call "falling through the cracks"—because the names came from other organizations, outside the RCMP?

Supt Denis Beaudoin: Some people may not have been contacted because the evidence was overwhelming that they were partici-

pating in the designated offence. It would have been on a case-by-case basis, based on all the information that could be gathered.

You have to understand that a lot of information was also available publicly to the banks and law enforcement. The totality of the information would have been taken into account.

● (1635)

The Chair: Thank you, Mr. Blaikie.

Mr. Daniel Blaikie: Thank you, Mr. Chair.

The Chair: I know the time goes fast.

Members, that ends our first round. We are moving into the second round.

We have the Conservatives up first.

MP Lawrence, you have five minutes.

Mr. Philip Lawrence: Thank you very much.

Thank you for your service to our country. It's greatly appreciated.

I'm hoping that you can clear up a little bit of confusion I have. First of all, just to establish the facts, my understanding is that you were very specific in the way you used the Emergencies Act. Only people who were actively involved in those protests had their bank accounts frozen. Is that correct?

A/Commr Michel Arcand: Yes.

Mr. Philip Lawrence: Thank you for that. Thank you for your brevity as well.

When we look at the order, it says, "any individual or entity that is engaged, directly or indirectly". So it is broad enough. Professors and other people have commented that this is certainly enough, that you could have provided information, and in fact bank accounts could have been frozen, just based on that area.

For your work, you didn't need the provision to be nearly that broad. Am I correct in that?

Supt Denis Beaudoin: We enforced the law as it was passed, but we certainly put a finer comb to it. As I said earlier, the sole purpose of using these methods was to clear the downtown area as peacefully as possible.

Mr. Philip Lawrence: Yes. Thank you for that. But it says "directly or indirectly". "Indirectly" gets to the financial contribution. You didn't use that. They had to have direct involvement in there. I understand the general deterrent, but when the justice minister goes out on TV and says that a financial contribution—granted, a large one—could result in your bank account being frozen, or you should be worried, anyway....

But that wasn't what the RCMP was doing. Is that correct? Unless someone was involved directly in the protests, you were not giving information to the bank accounts. I'm just confused as to why the government would spread this misinformation.

Supt Denis Beaudoin: I can't comment on what other people have said. The only thing we can offer is the way the RCMP used the act.

As with any piece of legislation, we make decisions sometimes, and in this case we made the decision to clear the protest as peacefully as possible. For example, we didn't provide information to insurance providers, because we really wanted to make sure the trucks would leave on their own—

Mr. Philip Lawrence: Thanks very much. I appreciate that. But for the purposes of drafting the act, if this ever came into...ever had to and hopefully never will, you did not need that broad a scope. You could have had it much narrower. It could have said “directly” as opposed to “indirectly”. That could have reassured quite a few Canadians who thought that their bank account might get frozen, as the justice minister said, just simply based on a financial contribution.

A/Commr Michel Arcand: For Ottawa, it was more used directly, but if we had other places with protests, we could have used “indirectly”. It is possible.

Mr. Philip Lawrence: But you didn't. Is that correct?

A/Commr Michel Arcand: For Ottawa we didn't.

Mr. Philip Lawrence: Okay.

FINTRAC was before our committee. They had some interesting testimony on the flow of the money into the crowdfunding and into the protests, that they did not see any evidence of terrorist activity. Did you see any evidence of terrorist activity in the funding of these illegal protests and blockades?

Supt Denis Beaudoin: I did not.

Mr. Philip Lawrence: Thank you for that.

I understand that there was an argument for general deterrents, but specific deterrents.... I understand that the spectre of having their bank account frozen may have held people back from coming out. However, even after the bank accounts started getting frozen, and this was released, I did not see the trucks leave until your officers did their great work and cleared the protesters. I did not see people get in their trucks and drive away when the bank accounts were frozen.

Am I missing something, or were there material cases of people saying, “Oh, my bank account is frozen; I'm getting in my truck and I'm driving home”?

Supt Denis Beaudoin: As I said, we contacted people before providing information to financial institutions. During this time, a lot of people wanted to leave, but were not in a position to leave because the streets were not cleared. We instructed these people to be ready and to make sure their truck was ready to leave when the streets were cleared, and then provided a picture of the situation on different streets in Ottawa. That information was passed on to the command centre in charge of freeing the streets.

• (1640)

Mr. Philip Lawrence: Thank you for your testimony. I see that my time is up.

The Chair: Thank you, MP Lawrence.

We are moving to the Liberals and MP Chatel for five minutes.

[Translation]

Mrs. Sophie Chatel: Mr. Arcand and Mr. Beaudoin, thank you for being here. Like Mr. Ste-Marie, I'm very proud of the job you did during a time that was gruelling for everyone.

We've talked a lot about the fact that it was possible to take measures much more quickly under the Emergencies Act. Had all the individuals who protested in Ottawa and around the country been taken to court, in order to freeze the funding for their unlawful activities, how long would that have taken?

A/Commr Michel Arcand: You make a good point. It's hard to know how long it would have taken, because each case is different.

Nevertheless, one thing is certain. We would not have been able to do it as quickly as the Emergencies Act allowed us to.

Mrs. Sophie Chatel: We might still be seeing protests all over the country otherwise.

Earlier, we were trying to figure out who all of this benefited. I think that's a pivotal question.

I'll give you some context.

Certain groups in the U.S., television stations and politicians included, spread propaganda associated with some of President Putin's talking points. Those same individuals publicly encouraged people to make donations in support of the unlawful activities taking place in Canada, specifically the freedom convoy and blockades. I find that very concerning.

I recently read two very serious economic studies. One was from the Cambridge University Press. A number of economists set about putting a figure on Russia's dark money. They estimated it to be \$1 trillion, with a quarter being held by Putin, himself.

Imagine one of Mr. Putin's cronies decided to fund—directly or indirectly—a platform for far-right groups and to donate \$1 million to fund the activity of groups in Canada looking to overthrow Canada's democratically elected government. Today, how would you find that information under the Proceeds of Crime (Money Laundering) and Terrorist Financing Act?

Supt Denis Beaudoin: The changes that were made to subject crowdfunding sites to FINTRAC's rules will certainly make a difference in terms of giving FINTRAC the ability to identify those payments and transfers before notifying police.

Mrs. Sophie Chatel: If it happened today, would we know?

Supt Denis Beaudoin: Yes, because the act's coverage now extends to sites.

Mrs. Sophie Chatel: Yes, the Emergencies Act covers crowdfunding platforms, but the Proceeds of Crime (Money Laundering) and Terrorist Financing Act does not. Is that right?

Supt Denis Beaudoin: As I understand it, permanent changes are being made to that effect.

Mrs. Sophie Chatel: Including those platforms in the act is a good change, then. Last year, changes were made in relation to cryptocurrencies, which are now covered by the act.

The Emergencies Act covers service providers as well. Do you think it's a good idea to include them on a permanent basis?

• (1645)

Supt Denis Beaudoin: You're absolutely right. Financial crime is constantly changing, and as you said, cryptocurrencies and crowdfunding platforms play a role in that. It's important that we adapt and that FINTRAC have access to real-time information about those platforms to in turn notify police.

Mrs. Sophie Chatel: Thank you, Mr. Chair.

[English]

The Chair: Thank you, MP Chatel.

We are moving to the Bloc, with MP Ste-Marie, for two and a half minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Mr. Beaudoin, I'm going to stay on the topic of cryptoassets. You said earlier that protesters received support in the form of bitcoin—a cryptoasset—to the tune of more than one million dollars Canadian.

Were you the one who followed the money that funded the occupation in Ottawa? If so, did those cryptoassets come mainly from Canada or foreign countries?

Supt Denis Beaudoin: Staff examined the source of the funds, but I don't have that information with me.

Mr. Gabriel Ste-Marie: If you could get back to us with that information, I would certainly appreciate it.

In your efforts to combat financial crime and follow the money, why do cryptoassets pose a bigger challenge than traditional currencies?

Supt Denis Beaudoin: Bitcoin and other popular cryptocurrencies are the ones we hear about most, but there are about 17,000 virtual currencies out there right now, if I'm not mistaken. It only takes a few minutes for someone to create their own cryptocurrency. That means the landscape is constantly changing, so we need to adapt. It's so easy to create a new cryptocurrency that it makes it tough to enforce the act.

Mr. Gabriel Ste-Marie: Thank you.

Is it harder to track transactions based in existing cryptoassets that the force is familiar with—like bitcoin—than it is to track transactions based in traditional currencies?

Supt Denis Beaudoin: I would say yes. However, besides existing tools in the public domain to track funds, we have to develop our own expertise to stay abreast of and adapt to new methodology.

Mr. Gabriel Ste-Marie: My turns are only two and a half minutes long, and the next issue I want to discuss is insurance. I will need more time for that, so I'll come back to it in 20 minutes or so.

[English]

The Chair: Thank you, MP Ste-Marie.

We have the NDP up next.

MP Blaikie, you have two and a half minutes.

Mr. Daniel Blaikie: Thank you.

We've talked about the RCMP passing names on to financial institutions for the purposes of freezing accounts. We've heard a bit about the process, such as it was, for people to have their account unfrozen.

In a case where somebody disputes that they were in the Ottawa area and therefore maintains that their account was improperly frozen according to the legislation.... We've heard that they may not even have gotten a notification that their account was frozen under the authority of the Emergencies Act. How do they go about pursuing a remedy or trying to establish in a court, for instance, that they weren't there and that their account was frozen because law enforcement believed they were?

Supt Denis Beaudoin: We were in constant communication with the banks and the financial institutions at that point. We wanted to have open communication. If that had been the case, somebody would have called the banks and been able to prove to them that they were no longer or not involved in criminal activities. We certainly offered to be contacted by the banks to either affirm this or provide any information as necessary.

• (1650)

Mr. Daniel Blaikie: Not to belabour the point too much, but I think it's important for people to know. If they feel they were wrongly targeted, because they weren't in the area, I'm just trying to figure out what the process would look like for them, not only to have their account unfrozen but.... Are there any extant frozen accounts from the use of the Emergencies Act? I have to believe there aren't, because the emergency period has come to an end.

What documentation do people have in order to be able to say, "My account was frozen because someone believed that I was in the Ottawa area during that time. I was not in the area during that time, so my account was improperly frozen"? If they are seeking some kind of remedy or redress for that, on what basis would they do that? What kind of documentation would they have?

A phone call is one thing. They call the bank and say, "I was never in the Ottawa area. Unfreeze my account." The bank talks to you guys, and the account is unfrozen. However, in the event that there was some kind of timely transaction they weren't able to make because their account was frozen and they want to seek a remedy, what kind of documentation can they expect to get to help them in their effort to pursue that question with the courts?

The Chair: Could we have a short answer, please?

A/Commr Michel Arcand: I think the best way would be to communicate with their institution. From there, the institution will probably come back to us, and we'll have a discussion.

The Chair: Thank you.

Thank you, MP Blaikie.

We're moving to the Conservatives. We have MP Fast up for five minutes.

Hon. Ed Fast: Thank you very much.

I want to echo the congratulations to both of you and the RCMP for the role you played in effectively and peacefully bringing an end to the protest.

Mr. Arcand, I understand you testified that the freezing of accounts under the Emergencies Act was intended to encourage the influencers and the leaders of the protest to stand down. How many of the key leaders and influencers of the protest actually did stand down as a result of the banks freezing their accounts or the threat of their accounts being frozen?

A/Commr Michel Arcand: To answer your question directly, I don't have the specific numbers. The initial number that was provided to the banks on entities that we know were influencers, which came directly from the Ontario Provincial Police and the Ottawa Police Service, was approximately 14 or 15.

As for how many left, I don't have those numbers.

Hon. Ed Fast: Could I have you provide the committee with that information? It is critical because it goes to the very efficacy of the powers that were exercised under the Emergencies Act. What we want to know is whether the Emergencies Act actually achieved what it was intended to, which was to get the influencers and the leaders to back down.

Is it also your evidence that those freezing powers could have been exercised only by the triggering of the Emergencies Act?

A/Commr Michel Arcand: If you mean as a way to have the bank freeze the accounts, then yes.

Hon. Ed Fast: So there's no method outside of the Emergencies Act, no legal method, under which you could gain the power to have accounts frozen. Is that right?

Supt Denis Beaudoin: One thing we couldn't do was to share information with the banks. Really, that was the only thing police gained from the act, to be able to share information with the financial institutions. There is no provision in place that is so clear right now.

Hon. Ed Fast: But there is a provision for the RCMP to freeze accounts by getting a court order. Is that correct?

Supt Denis Beaudoin: Yes, but in this case it wasn't the RCMP that was applying to seize the assets, as it would be in normal cases. The police services were given the power to share information.

• (1655)

Hon. Ed Fast: All right.

Over the three weeks leading up to the triggering of the Emergencies Act, did the RCMP ever apply to the courts for powers to take down the blockade, for powers to freeze assets, to discourage protesters? Was there any point in time during those three weeks when the RCMP actually availed themselves of the existing policing and legal authorities to achieve a peaceful end to the protest?

A/Commr Michel Arcand: Your question is directed at the role of the RCMP, so with the protests in Ottawa, we weren't the lead agency on this. It was the Ottawa Police Service and the Ontario police service.

Hon. Ed Fast: Did the federal government ever ask you to take the lead, as it did in the end when it came to freezing accounts and bringing an end to the protests?

A/Commr Michel Arcand: For us, it was clear that the Ottawa Police Service had the jurisdiction on what was going on in downtown Ottawa.

Hon. Ed Fast: The RCMP had no involvement at all with the federal government in providing advice and opportunities...?

A/Commr Michel Arcand: We were providing advice and support, but the lead was still the police of jurisdiction.

Hon. Ed Fast: Did you ever ask the federal government to avail itself of existing legal and police authorities to bring an end to the protest?

A/Commr Michel Arcand: To my knowledge, no.

Hon. Ed Fast: I'm sorry to hear that. It's unfortunate that the Emergencies Act was even triggered in the first place. It was quite unnecessary, in my mind.

I have a couple of further questions, if I might, gentlemen, and I appreciate your candour.

How did the RCMP actually identify individuals targeted by the emergency economic measures order?

Supt Denis Beaudoin: There are two streams of people or entities that were disclosed to the financial institutions. The first one, as we mentioned, came from the OPP and the OPS, and those would have been or were the suspects in their investigation. The second stream came from the plate numbers of trucks and vehicles in the downtown area.

The Chair: Thank you, MP Fast. We're over time.

Hon. Ed Fast: Thank you.

The Chair: We are moving to the Liberals and MP MacDonald for five minutes.

Mr. Heath MacDonald: Thank you, Chair.

Thank you to both gentlemen who are here today. Thank you for what you've done. There was a lot of stress, obviously, on downtown Ottawa and at points of entry across the country, and it disrupted daily lives and obviously our Canadian economy. It's scary to think what could actually transpire going forward.

We've heard a lot of things. People have been saying that there was disinformation and there have been accusations, and there was all kinds of information that wasn't necessarily available at the time.

Is not part of the process of going through this to ensure that your intelligence is withheld within the law enforcement community that is providing the services to eliminate, basically, the occupation of downtown Ottawa? How much does that play...? Some of the questions are basically reverting to "Why didn't you do this?", or "Why didn't you say this publicly?", but to me, would that not be part of the process to ensure that your intelligence was kept within, to ensure the protection of society and the protection of your officers who were going to be in charge of this whole process?

A/Commr Michel Arcand: Yes, exactly. To add to this, it's also the safety of the citizens of Ottawa. We needed to make sure that everybody was safe and there was no violence to this.

Mr. Heath MacDonald: I was there for two straight weeks at my residence. I was in the red zone, and I can tell you that watching you guys do your job when you started moving people out of the city was pretty amazing, with no injuries basically and no retaliation to some extent, especially after what we've seen at Coutts and what could have transpired in that regard.

How beneficial was invoking the Emergencies Act for law enforcement? Could you just touch on the jurisdictional...? I ask because that was a question at the time: Why isn't the OPP getting involved or the Ottawa Police or the RCMP? How important was invoking that Emergencies Act to ensure there was a consistent process put in place for you to do your job?

• (1700)

A/Commr Michel Arcand: It allowed the RCMP to get involved with all of the law enforcement partners. It allowed us to use tools other than those that already existed. The tools allowed the Ottawa police, the Ontario police and the RCMP to be able to address the situation more quickly.

Mr. Heath MacDonald: I'll change pace here for a second. With FINTRAC, what red flags were there? We've seen an infiltration from south of the border, mainly of funding into the convoy through crowdfunding platforms and payment processing, etc. At what point were you notified by FINTRAC that there were red flags going up?

Is there an amount or is there some other avenue that you see or they see, and they provide you with detailed information to raise that red flag?

Supt Denis Beaudoin: It comes through a variety of different means. It could be that the amount is not aligned with what this entity should be doing. It could be the top-up of the amount or the number of transactions happening. It could be the origin of the money.

FINTRAC looks at this with their analysts, and when they feel there's something that needs to be disclosed to the police services, this is when they do so. There's not one specific thing: They look at the totality of the evidence and information at their disposal.

Mr. Heath MacDonald: Okay.

How much time do I have, Chair?

The Chair: You have about 30 seconds.

Mr. Heath MacDonald: I'll ask a quick question. How long did it take, once the Emergencies Act was put in place, for the RCMP, the OPP, the Ottawa police and parliament's security force to come together and provide the services you did to set up a plan of attack to remove people from downtown Ottawa?

A/Commr Michel Arcand: I don't have the specific answer to this, but as soon as the act was there, we looked at it and how we could apply it and other tools.

Mr. Heath MacDonald: Thank you.

The Chair: Thank you, MP MacDonald.

Members, we are moving into our third and final round. Each round takes about 25 minutes.

We're starting with the Conservatives and MP Albas for five minutes.

Mr. Dan Albas: Thank you, Mr. Chair. I will be sharing my time with MP Fast.

First of all, gentlemen, thank you for your service to our great country and for being here today to lend your testimony.

I have a few quick questions.

The first question is something that's been asked of me by a constituent, who noticed there's a certain amount of common sense involved when you want people to co-operate. One individual mentioned to me that it seems counterintuitive to say to someone, "We've frozen your accounts, so leave." Usually, when you want to encourage people to drive away or leave, it requires money. How do you respond to that?

Supt Denis Beaudoin: We felt that it was a good measure to put in place. We can see it on a larger scale right now around the world, but restricting people's financial assets certainly played a part in this.

Mr. Dan Albas: If you want someone to drive home, they're going to need money to buy gas and get a breakfast at Denny's on the way home.

Supt Denis Beaudoin: We were not expecting people to drive 2,000 kilometres right away. We expected them to maybe drive two kilometres away from the unlawful protest.

Mr. Dan Albas: Okay. Thank you for the answer, anyway.

The second question I had is how the order applied. Everyone seems to be fixated on Ottawa, and for good reason, but my understanding from reading the order is that anywhere there could be a blockade of any type of critical infrastructure like a bridge, etc., these tools would apply. Is that correct?

A/Commr Michel Arcand: Yes. You're right.

Mr. Dan Albas: There was no geographic targeting, as the Prime Minister and his ministers said. This is literally anywhere the government order could apply to a situation, and the RCMP could utilize those powers under the order.

• (1705)

A/Commr Michel Arcand: Yes, they could. Any law enforcement could provide the information to financial institutions.

Mr. Dan Albas: Whether or not the provincial police....? In Quebec, for example, Premier Legault mentioned that he felt it was not necessary to apply this to their provincial police. Is that correct?

A/Commr Michel Arcand: Yes.

Mr. Dan Albas: All right. I'm going to pass my time on to MP Fast, please.

Hon. Ed Fast: Mr. Arcand, I believe you also testified that the Emergencies Act, including the right to freeze accounts, made it easier for you to remove the protest. Is that correct? I'm trying to remember what you said.

A/Commr Michel Arcand: Yes. It did facilitate.

Hon. Ed Fast: Facilitate: Is it your testimony that it made it easier for you to—

A/Commr Michel Arcand: Yes.

Hon. Ed Fast: Okay.

Do you believe it's the function of policing authorities to have their lives made easier or in the first place to conduct themselves and have the powers that reflect due process and the rule of law?

A/Commr Michel Arcand: We apply the law that is offered to us and that we can apply to work towards the achievements we want to achieve.

Hon. Ed Fast: My fear was that the effort of the government to try to get the blockades removed in an easier fashion, rather than in a fashion that was appropriate for the circumstances, drove their decision to trigger the Emergencies Act. Yes, you were given additional powers that I believe facilitated your ability to get this done, but your testimony is that there were no efforts made in the lead-up to the triggering of the act that would have applied court orders to perhaps secure the kind of support that police authorities needed.

So you can understand my concern. That's why I asked the question. Was it your concern that your job would be made easier or was it your concern to comply with the rule of law and do it in a way that reflected Canadian standards and Canadian expectations?

A/Commr Michel Arcand: We were offered another tool to apply to facilitate and address the situation. It was the same thing with the Ontario police, who used the Ontario act.

Hon. Ed Fast: Yes. Was that tool necessary?

A/Commr Michel Arcand: It was. It shows...the economic measures order was necessary and useful.

Hon. Ed Fast: All right.

Thank you, Mr. Chair.

The Chair: Thank you, MP Fast and MP Albas.

We are moving now to the Liberals.

MP Maloney, you're up for five minutes.

Mr. James Maloney: Thank you, Mr. Chair.

To the RCMP and all of the law enforcement community, let me add my thanks to everybody else's. What you did in Ottawa—all of us were there, and we witnessed it—was truly remarkable, and you did it safely.

I'll pick up on something that Mr. Fast was just addressing. My thinking is similar to his, but I come at it from a slightly different perspective. Would you agree with me that the function of the police is to make the community safe, sir?

A/Commr Michel Arcand: It is the primary function.

Mr. James Maloney: Right. Those of us who were in Ottawa witnessed a situation where 4,000 or 5,000 people were scared to leave their homes and couldn't go to work for a period of three weeks. I was less concerned about their ability to stop at Denny's in Kingston and more concerned about the people of Ottawa being able to remove themselves from their homes and go about their business.

You started your evidence today by saying that the Emergencies Act measures were welcome, I believe. Could you explain in further detail what you meant by that, sir?

A/Commr Michel Arcand: Again, it's providing law enforcement other tools to address a situation like this and it permits that.

Mr. James Maloney: You felt that you didn't have those tools at your disposal before the invocation of the Emergencies Act. Is that right?

A/Commr Michel Arcand: Specific to the economic measures order, it was useful.

Mr. James Maloney: Am I correct in saying, then, that part of the reason you felt that way is that, as you said a moment ago, this was an Ottawa police operation, and until the invocation of the emergency measures act you didn't have the ability to work with all of the law enforcement agencies to resolve this situation peacefully? Is that fair?

A/Commr Michel Arcand: It brought the RCMP into the portrait. Yes.

• (1710)

Mr. James Maloney: Okay. Thank you.

I think Mr. Fast also mentioned the fact that nobody had sought a court order prior to the invocation of the act. How long would it take? For each of those 257 accounts that were frozen, if you were to do that by way of court order, each one would require an independent application before the court. Is that correct?

A/Commr Michel Arcand: You are right.

Mr. James Maloney: Each one of those could take days to run its course. Isn't that right?

A/Commr Michel Arcand: Each case is different, but it could take a long time for the investigation to be built and for the proper affidavit to be brought before the court, yes.

Mr. James Maloney: Right, and those applications would have been brought perhaps by the RCMP, but also perhaps by the Ottawa Police Service or perhaps even the OPP. Is that correct?

A/Commr Michel Arcand: You are right.

Mr. James Maloney: Absent the Emergencies Act you didn't have the ability to coordinate your efforts in that respect. Is that fair?

A/Commr Michel Arcand: For the portion involving the banks account, yes, you are right.

Mr. James Maloney: All right. Thanks.

Am I right that you said ultimately 257 bank accounts or thereabouts were frozen?

A/Commr Michel Arcand: It was thereabouts. It was 227 or 257—

Mr. James Maloney: There were significantly more than 257 trucks in Ottawa. There were certainly significantly more than 257 different groups of people in Ottawa, so this wasn't a blanket, shotgun approach to freezing bank accounts, was it, sir? You were doing this strategically in a way you thought would be fair and would help resolve the situation quickly. Is that a fair way of characterizing it?

A/Commr Michel Arcand: Yes, you are right.

Mr. James Maloney: Okay. Thank you.

Were the accounts that were frozen, by the way, entities from across the country or were they all Ontario based?

A/Commr Michel Arcand: There was a mixture of people from Ontario and other places.

Mr. James Maloney: Okay, and those other places, I assume, were overseas as well?

A/Commr Michel Arcand: I don't know about overseas. It was mainly in Canada.

Mr. James Maloney: Okay. This is my last question, sir. I believe you or your colleague said that the information was gathered several ways, one of which was by walking the streets of Ottawa and looking at truck identification. We know that the Province of Ontario introduced the emergency measures act that they have at their disposal, which allowed them to suspend commercial licensing for certain vehicles. Were you part of the information gathering that was used by the province in that process? When I say you, I mean the RCMP. No?

A/Commr Michel Arcand: No.

Mr. James Maloney: Okay. Those are all my questions.

Thank you, Mr. Chair.

The Chair: Thank you, MP Maloney.

We are moving to the Bloc.

We have MP Ste-Marie for two and a half minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

I want to talk about vehicle insurance. Under the order, companies could, or were supposed to, suspend vehicle insurance policies.

Is it possible that a trucker whose insurance policy was suspended left the convoy and drove home uninsured?

A/Commr Michel Arcand: Driving without insurance is prohibited. That's why we didn't use that part of the order.

Mr. Gabriel Ste-Marie: You're telling me that the measure providing for the suspension of vehicle insurance wasn't used and that no one's vehicle insurance policy was suspended.

Is that correct?

A/Commr Michel Arcand: We didn't suspend any insurance policies under the order. The Ontario Provincial Police and the Ottawa Police Service used certain provisions to suspend commercial licences and probably insurance policies, but we didn't use that provision of the order.

Mr. Gabriel Ste-Marie: I see.

Did the government consult you on the matter? Did you provide any advice on the suspension of vehicle insurance policies when the order was being developed or drafted?

A/Commr Michel Arcand: No, not to my knowledge.

Mr. Gabriel Ste-Marie: Very well. Thank you.

Obviously, when we read that, we were stunned. We were told that an instruction was given to wait a bit before suspending the policy so that truckers could leave. Apparently, insurance companies were told to reactivate the policy once the individual had left the convoy or blockade. It seemed like the measure was difficult to enforce, to say nothing of the risk of truckers causing an accident and the victim not having access to compensation.

I'm reassured to hear you say that the provision wasn't applied. It doesn't appear to have been useful, something that can happen when a document is drafted quickly.

I'm almost out of time, so I'll leave it there.

Thank you, Mr. Chair.

● (1715)

[English]

The Chair: Thank you, MP Ste-Marie.

We're moving to the NDP.

MP Blaikie, go ahead for two and a half minutes.

Mr. Daniel Blaikie: I understand that these were temporary and limited powers, as you said, really focused on clearing downtown Ottawa of the illegal occupation, but there were other concerns around financing that were raised in the course of this, including the provenance of some of the donations being outside of the country and supporting some people who had very clearly insurrectionist goals and behaviour.

I'm wondering what the follow-up looks like. We are trying to understand how that happened, how that worked, and what Canada needs to do going forward in order to be able to protect itself from foreign interference helping to generate this kind of illegal activity again.

Supt Denis Beaudoin: Yes, at this point, it is limited, what we can share. There's an ongoing investigation and we wouldn't want to compromise it.

Mr. Daniel Blaikie: Okay, but it's understood that the authorities of the Emergencies Act are not part of that effort. That's a separate effort and investigation. Those powers were really used in a time-limited and temporary way to clear downtown Ottawa of the illegal occupation.

Supt Denis Beaudoin: That's correct, yes.

Mr. Daniel Blaikie: Thank you very much.

I don't have a lot of time remaining, but I'll offer you the remaining time if you have any recommendations for the committee to consider. Of course, part of our role is to look at what happened and at the use of the Emergencies Act and recommend any different ways of going about it in the future, in addition to highlighting any potential abuse of those authorities. I'm just wondering if you have any recommendations for the committee to consider.

Supt Denis Beaudoin: Yes, maybe clarity. In this case, the measures were not implemented for a long period of time, but in a case where they would have been, once something is seized or frozen by the financial institution, what exactly is supposed to be happening? Like I said, we maintained communication with the banks on a daily basis, and a lot of questions we didn't have...because we were not in [*Inaudible—Editor*] law, we would refer the banks back to their general counsel. For example, on seizing the shares of a company, which fluctuate, or things like that, what exactly are the banks supposed to do with that? The clarity is more on the bank, and maybe the previous speaker pointed to that at times.

Mr. Daniel Blaikie: Are there any assets that were frozen that have not been returned to their owners?

The Chair: Answer very quickly, please.

Supt Denis Beaudoin: Not to our knowledge. Again, it's up to the banks.

The Chair: Thank you.

Thank you, MP Blaikie.

We're moving to the Conservatives.

MP Chambers, you have the floor for five minutes.

Mr. Adam Chambers: Thank you very much, Mr. Chair.

I appreciate the candour and comments so far.

Is it the testimony here today that outside the use of the Emergencies Act the RCMP is unable to work with other levels of jurisdiction?

A/Commr Michel Arcand: Well, each province has their own police act and they could request assistance, but they need to follow the process.

Mr. Adam Chambers: Did they not ask for the RCMP's assistance prior to the Emergencies Act?

A/Commr Michel Arcand: We did provide some assistance.

Mr. Adam Chambers: Okay. I'm just trying to understand how the Emergencies Act was necessary.

I appreciate that you mention it acted as a deterrent, but would it also not be true to suggest that a deterrent would have also been to enforce the law on the individuals who were breaking the law prior to the invocation of the Emergencies Act? That would have acted as a deterrent as well had we been arresting some of the heads of this movement.

A/Commr Michel Arcand: It's hard for me to comment on the process of how it was applied and how the Ottawa Police Service applied the request and all this, but to come back to the economic measures act, it had a deterrent....

• (1720)

Mr. Adam Chambers: Thank you.

Mr. Beaudoin, you mentioned earlier that the reason why a court order wasn't sought was that sometimes those last for a lot longer than the Emergencies Act, so were we saying that the reason we had to use the Emergencies Act was that the regular process would have been too harsh a penalty?

Supt Denis Beaudoin: No. I was just trying to differentiate between the two processes. As I also said earlier, the only thing that was gained for law enforcement was the ability to share. The process you're referring to is on application and law enforcement. In this case, law enforcement didn't apply to have something seized. We only shared information with banks, which would apply the seizure.

Mr. Adam Chambers: Thank you.

Some of my colleagues have mentioned how long it would have taken to go through the courts, but I hope what we're not hearing today is that we used the Emergencies Act because it would have been inconvenient to follow regular procedural fairness.

I think we have to see some evidence that the Emergencies Act was absolutely necessary to be used in this case, or that there were no other avenues available through which we could have achieved the same outcome.

I believe this has been very helpful in showing us some of the evidence before us.

I would yield the rest of my time to MP Lawrence, Mr. Chair.

Thank you.

The Chair: MP Lawrence.

Mr. Philip Lawrence: That's perfect.

Thank you for your testimony as we wrap up here.

I want to get into some of the specifics on the information that was shared. When you identified someone who was directly or indirectly supporting these illegal activities, was a briefing document provided to the financial institutions? What did that document look like?

Supt Denis Beaudoin: We did provide a document. Investigators would conduct a series of checks on public and police databases, and then they would provide the information that was gathered to the financial institutions for them to make a determination at that point.

Mr. Philip Lawrence: Was there personal information in there? Were there other things that were not public? Specifically, was their location, their wealth, their gender and their race included?

Supt Denis Beaudoin: There was some information available in the police database.

Mr. Philip Lawrence: I don't mean to be a stickler, but I asked some specific questions and I'd like an answer. Were any of the four or five characteristics that I identified included, and could you tell me which ones?

Supt Denis Beaudoin: Yes. It would have depended on what was available in the police database. For some of them, it could have been the sex, the height, previous police dealings, or whether they were suspected in other crimes or were witnesses in other crimes or different types of dealings, so a lot of different information. It's hard to enumerate every single category of information that was provided.

Mr. Philip Lawrence: Would this very private information have been provided to five, 10, or 15 financial institutions or just the one?

Supt Denis Beaudoin: No, it would have been provided to the financial institutions.

Mr. Philip Lawrence: How many would that be?

Supt Denis Beaudoin: It started with only the major banks, and then later it included the credit unions and other entities also.

Mr. Philip Lawrence: Mr. Chair, I see—

The Chair: That's about five minutes. I don't know if it's very short.

Mr. Philip Lawrence: Yes. I'll be really quick.

The point is that each one of these institutions would probably have had multiple people seeing this. Easily 50 or 100 people would have seen this very personal information of people.

Supt Denis Beaudoin: Yes, the information was shared with the financial institutions.

Mr. Philip Lawrence: Thank you.

The Chair: Thank you, MP Lawrence.

For our final questioner, we have the Liberals and MP Dzerowicz for five minutes.

Ms. Julie Dzerowicz: Thank you so much, Mr. Chair.

I want to thank our two witnesses for their patience and for doing such a great job in answering our questions.

While listening to the testimony, I had to take myself back into the situation of how it all started—the trucker convoy coming towards Ottawa and moving from a protest to an occupation. My sense is it's something that has never really occurred. It was highly unusual.

Perhaps I can ask this to any of our witnesses who want to talk to this. What was unusual about the situation, from the start and as it unfolded? Could you comment on that?

• (1725)

A/Commr Michel Arcand: That's a good question.

Over 34 years I have seen several protests, but as for a siege like this, in which people didn't want to leave and they took control of a downtown area in a major city, that was the first time really.

Ms. Julie Dzerowicz: Thank you. I appreciate that.

We have to almost remind ourselves about it, because there was not only the siege but also the blockades. Then there was not one but multiple blockades across the country. Had you ever seen that before, or was that the first time as well?

A/Commr Michel Arcand: You mean a movement like this in Canada that now is going global? No.

Ms. Julie Dzerowicz: Thank you. I appreciate that.

I want to confirm again that as things progressed—you mentioned, I believe, if I heard correctly—there were some consultations about some additional measures or powers that might be needed. My understanding is that the federal government had consulted with the RCMP, and the RCMP had indicated that they needed some additional measures to urgently address a situation that was rapidly, aggressively and unpredictably unfolding. Can you confirm that the recommendation was from the RCMP that additional Emergencies Act measures were needed, specifically the three you mentioned—the ability to share the information with the financial institutions, the ability to do so very quickly, and the ability to do so in a time-limited way?

A/Commr Michel Arcand: There are some areas in the act that served us. It really served us as law enforcement just for the travel, for example, in the emergency economic measures order.

We were limited to what we had in front of us, and when this came to us as law enforcement, it was another tool to be used.

Ms. Julie Dzerowicz: I don't want to put words into your mouth, Assistant Commissioner, but it seemed like things had progressed and it got to a point where we needed some urgent tools to be able to aggressively deal with the situation. That is what I'm hearing from today. The Emergencies Act was suggested in a time-limited and geographically defined way for us to be able to address the issue.

I've forgotten who asked this, but there was some comment about the local police being the area of jurisdiction and whether or not the RCMP should have advised our federal government. Again, I take it as being due to the unusualness and the first time we have this type of situation.

When there's what would be seen as a local situation on the ground in Ottawa, is it typical that the RCMP would go to the federal government and provide advice, or is there a tipping point? Is there a normal protocol that's in place?

A/Commr Michel Arcand: There are regular discussions with the government. We don't necessarily ask them to address the situation, but we could look at ways to address it.

Ms. Julie Dzerowicz: In my final 30 seconds, now that we've enacted and revoked the Emergencies Act—this is along the lines of Mr. Blaikie's questioning—if you had to make some recommendations, what have we learned that you might add to your...?

If you were consulted again, would you have added something, or would you have left it exactly as in your recommendations to our government around the Emergencies Act and the measures that you needed to bring things under control?

A/Commr Michel Arcand: It's hard to pinpoint exactly where we could have improved. One area of improvement, as explained by Superintendent Denis Beaudoin, is to have more precision on how we could freeze accounts and how we were going to be acting if it were for a longer period. There could probably be more guidance for the financial institutions.

To go back to exactly what area we need to adjust, we will take some time to reflect on this and come back.

● (1730)

Ms. Julie Dzerowicz: Thank you so much. Again, thanks to both of you for your excellent presentation today and for your patience in answering all our questions.

The Chair: Thank you, MP Dzerowicz.

Members, we've had two panels today with excellent witnesses, I would say. That's what all members have been invoking here and saying on the invocation of the Emergencies Act to inform our study.

We want to thank Assistant Commissioner Michel Arcand and Superintendent Denis Beaudoin for their time, their remarks and their answers to many of the questions by the Standing Committee on Finance. Thank you, gentlemen.

Thank you also on behalf of all those—the clerk, the interpreters and the staff—who help with our committee. We thank you for your time.

A/Commr Michel Arcand: Thank you, Chair. I really appreciate the comments that were offered to all the law enforcement who were involved in Ottawa. I'll pass it on.

The Chair: It's well deserved. Thank you very much.

Members, shall we adjourn?

Mr. Dan Albas: Are you revoking the meeting?

Ms. Julie Dzerowicz: Immediately.

The Chair: Immediately, yes.

Mr. Dan Albas: I second that. Thank you.

The Chair: The meeting is adjourned.

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Standing Committee on Public Safety and National Security

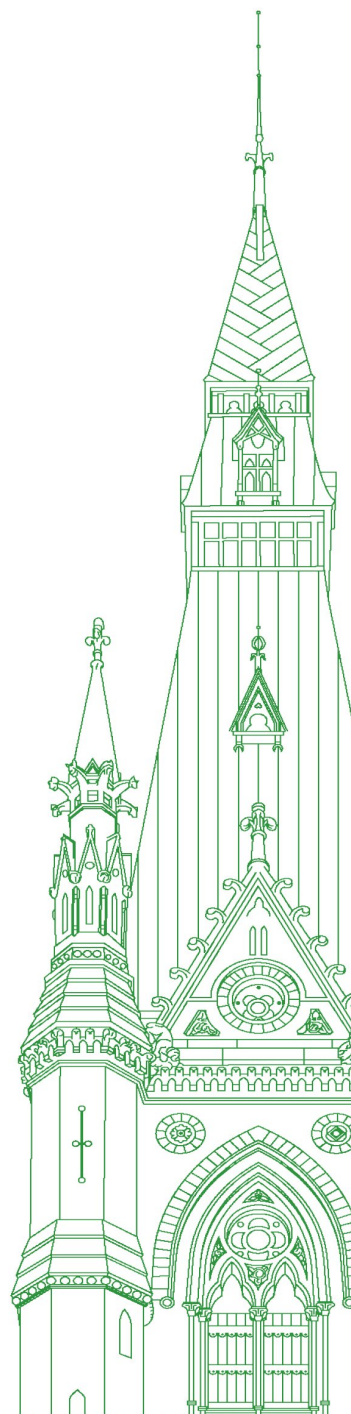
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PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT

Thursday, March 24, 2022

Chair: The Honourable Jim Carr



Standing Committee on Public Safety and National Security

Thursday, March 24, 2022

● (1100)

[English]

The Chair (Hon. Jim Carr (Winnipeg South Centre, Lib.)): I call this meeting to order.

Good morning, everyone. Welcome to meeting number 14 of the House of Commons Standing Committee on Public Safety and National Security.

We will start by acknowledging that we are meeting on the traditional unceded territory of the Algonquin people.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021.

Colleagues, I don't have to read about all of the public orders and the way that we keep our distance. We wear masks when we are not speaking. Staff wear masks at all times, please.

We will run the meeting as efficiently as we can. Members will be participating virtually and they may speak in the official language of their choice. Interpretation services are available for the meeting. You have the choice, at the bottom of your screen, of floor, English, or French. If interpretation is lost, please inform me immediately and we will set it right.

When speaking, please speak slowly and clearly. Should any technical challenges arise, please advise me.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Tuesday, February 15, 2022, the committee is resuming its study of the occupation of Ottawa and the federal government's response to convoy blockades.

With us today by video conference, from the Ontario Provincial Police, are Commissioner Thomas Carrique, Deputy Commissioner Chris Harkins, and Chief Superintendent Carson Pardy. From the Ottawa Police Service we have Steve Bell, interim chief, and Trish Ferguson, acting deputy chief. Welcome to all of you.

Up to five minutes will be given for opening remarks, after which we will proceed with rounds of questions.

Interim Chief Bell, I now invite you to make opening remarks of up to five minutes. I have a fancy-dancy sign that says 30 seconds, which will be your indication of how much time is left. People who know me know all too clearly that I'm a stickler for starting and ending on time.

Chief Bell, the floor is yours. Please proceed.

Mr. Steve Bell (Interim Chief, Ottawa Police Service): Thank you very much, Mr. Chair. I share your passion for well-run meetings, so thank you for that.

Distinguished members of the committee, I'm pleased to be given this opportunity to meet with you today.

Joining me today is Deputy Chief Trish Ferguson, who was the operational lead for the successful resolution of the illegal protest. We're here today to answer questions about the illegal protest that occurred in Ottawa between January 28, 2022 and February 20, 2022.

As the police service of jurisdiction in the nation's capital, our members are well-practiced in keeping the peace during demonstrations.

Every year, hundreds of protests occur in our capital. Our officers are trained to maintain the safety of both the demonstrators and the public at large. The vast majority of these protests are peaceful and lawful, and protesters return home when their point has been made.

This unlawful protest was unprecedented. The protesters brought thousands of vehicles to our city with the full intention of disrupting our capital. After they arrived, many chose to stay and they were clear in their words and actions that they meant to do damage to our community.

Our police service received regular reports of intimidating and threatening behaviour towards residents on a daily basis. We had reports of hate crimes being committed and of wilful disregard of police and court orders. The protesters used their vehicles as tools to back up their behaviour, honking their horns and racing dangerously around the streets in the downtown core.

Despite our attempts to negotiate and despite threats of investigation and enforcement, the illegal and disruptive behaviours continued throughout the protest and became elevated on weekends when more protesters arrived.

Our response as a police service, along with our many partners, was to work to safely manage the disruptions, contain the behaviours and negotiate the protesters out. In the early days, we were able to ensure that no serious injuries, deaths or damage to infrastructure were committed, but that's not the standard of policing any resident of our city or any Canadian would expect.

As a police service, we understood quickly that we needed assistance from all levels of government in the form of legislative powers and policing resources if we were to safely remove this unlawful protest from our streets.

It's important that this committee understand and appreciate the negative impacts this behaviour had on our entire community and our businesses, and especially the impacts on our vulnerable, marginalized, indigenous, 2SLGBTQAA+ and racialized communities.

Our Centretown is a diverse, proud and vibrant place. During the protest, we saw clear signs of hate, such as swastikas, anti-government sentiment, leaders posting threatening language on social media and other various forms of social disorder. It shook the community's faith and confidence in the ability of police and government to keep them safe. We have seen the same effects in cities such as Calgary, Windsor and in Coutts, Alberta, where similar protests were held.

Our goal from the outset was always to remove this protest safely. Doing that required careful coordination between all of our policing partners to develop a strategy that would ensure a safe resolution. All three levels of government responded with legislative measures that aided our strategy. I want to thank the City of Ottawa and the Ontario government for the changes brought forward. I also want to thank the federal government for invoking the federal Emergencies Act.

From a policing perspective, the legislation provided the OPS with the ability to prevent people from participating in this unlawful protest; to restrict people from travelling to any area where the unlawful protest was taking place; to secure protected places and critical infrastructure; to create and maintain the secured area to prevent people from violating the act and safely remove people who were attempting to do so; to go after the money funding the protest; and to require third parties to assist us in removing the heavy vehicles that were clogging streets and creating a safety hazard. It was a critical piece of our efforts, but it was only one piece.

Another critical piece was the rallying of police resources from the RCMP, the OPP and police services from across Canada. I want to thank them all for their support.

As you saw, once we had all of those authorities and those resources in place, we were able to implement a methodical police operation between February 17 and February 20 with an integrated command led by the Ottawa Police Service, the Royal Canadian Mounted Police and the Ontario Provincial Police to safely remove the protest.

In total, there were 230 arrests, and 118 people were criminally charged with more than 400 criminal counts. Hundreds of provincial offence notices were issued. Cases are still moving through the courts, and multiple investigations are ongoing.

In a democracy such as Canada, there is no doubt that a discussion and assessment on the appropriateness of the invocation of the Emergencies Act, which provided police broader powers, is important. I am pleased to be here to contribute to that discussion.

I can tell you that police chiefs across the country are watching this discussion because they know that similar situations could occur or are occurring in their jurisdictions. I have spoken to many of them who have sought out advice.

● (1105)

Finally, I want to reiterate my pride in all of the police members who worked on this operation, including the members who came from across Canada to assist us. This was truly a Canadian effort and it showed the vital role that police play in maintaining our democracy and keeping our residents safe.

Deputy Chief Ferguson and I look forward to answering your questions today.

The Chair: Thank you very much, Interim Chief.

Now I would like to call on Commissioner Thomas Carrique.

Sir, you have five minutes for an opening statement. The floor is yours.

Commissioner Thomas Carrique (Ontario Provincial Police): Thank you, Chair.

Good morning Chair, vice-chairs and committee members. I am joined here today by Ontario Provincial Police Deputy Commissioner Chris Harkins and Chief Superintendent Carson Pardy.

Under the Ontario Police Services Act, the OPP has a unique dual mandate to provide frontline policing services to 328 municipalities across the province, as well as to provide assistance and/or specialized support to municipal services upon request.

As it relates to the "freedom convoy" and the associated illegal blockades in the city of Ottawa, the OPP's intelligence bureau commenced reporting to our policing partners on January 13, 2022. As of January 22, daily intelligence reports focused on the convoy headed to Ottawa and the anticipated protest movements across the province. The intelligence reporting was shared with more than 35 Canadian police, law enforcement and security agencies.

As the convoy crossed over the Manitoba-Ontario border and travelled across the province and until it arrived in Ottawa on January 28, OPP officers professionally fulfilled their duties without incident.

In support of the Ottawa Police Service, throughout the occupation an increasing number of OPP officers and specialized resources from various services became engaged, ultimately contributing to an integrated plan and the establishment of a unified command.

Simultaneously, our members responded to many other convoys and demonstrations that consistently and repeatedly emerged in communities across Ontario. These included, but were not limited to, the critical blockage of the Ambassador Bridge, the blockade of Highway 402, multiple other attempts to block Canada-U.S. land border crossings, and demonstrations that posed a risk to the area of the Ontario legislature.

In addition, from day one when the convoy entered Ontario, we were responsive to requests for assistance from other municipal police services. This was a provincial and national emergency that garnered international attention.

In response, the OPP and more than 20 other police services from across the country worked collaboratively to address public order emergencies that were unmatched in recent history. Protests and demonstrations are often complex in nature. The role of the police remains that of protecting the public, upholding the law and keeping the peace.

The province's Critical Infrastructure and Highways regulation, under the Emergency Management and Civil Protection Act, and the federal Emergencies Act were effective supplementary tools needed to help protect critical infrastructure and ensure the continuous and safe delivery of essential goods and services, while at the same time maintaining—or in the case of Ottawa, restoring—peace, order and public security.

As the committee is well aware, in addition to the critical events experienced in Ontario, the illegal Ottawa occupation was accompanied by numerous other high-risk “freedom convoy”-related protests and blockades across Canada. The OPP worked collaboratively with the Ottawa Police Service, the Royal Canada Mounted Police and other policing partners to develop a sustainable integrated operational plan that was informed by best practices from other high-risk critical events, available police resources, and other concurrent and emerging operational requirements in a number of police jurisdictions.

Sufficiently trained public order officers were amassed from throughout Canada and deployed in an integrated, strategic and measured manner, which resulted in the collapse of the occupation. The situation and the associated events simultaneously taking place across Canada required unprecedented national collaboration to prevent injury, preserve life and protect critical infrastructure.

As the commissioner of the Ontario Provincial Police, I am extremely proud of the remarkable professionalism and dedication of the officers deployed to Ottawa and the other high-risk events simultaneously occurring across the province. Despite all the challenges, our officers and those from a multitude of other Canadian police services remained committed to their roles and responsibilities while the entire nation watched live. They represented the entire policing profession with the utmost professionalism, discipline and competence.

Thank you, *Meegwetsh*.

I look forward to answering any questions you may have for the Ontario Provincial Police.

● (1110)

The Chair: Thank you very much, Commissioner. We appreciate your opening remarks.

Colleagues, I'll now open the floor to questioning.

Mr. Lloyd, you are first up for a six-minute round.

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): Thank you, Mr. Chair.

Interim Chief Bell, in Ottawa, during the protest-clearing operation, were any loaded shotguns found in the trucks of protesters?

● (1115)

Mr. Steve Bell: Mr. Chair, what I can indicate is that throughout the protest we did receive information and intelligence around weapons and the possession of weapons by people who either had attended or intended on attending the occupation.

As a result of the clearing, at no point did we lay any firearms-related charges, yet there are investigations that continue in relation to weapons possession at the occupation.

Mr. Dane Lloyd: Yes or no, Interim Chief, were loaded firearms found in the trucks during the protest-clearing operation?

Mr. Steve Bell: As I indicated, Mr. Chair, there have been no charges laid to date in relation to weapons at the occupation site.

Mr. Dane Lloyd: It's a clear question, Interim Chief. Were weapons found? Were loaded firearms found, yes or no?

Mr. Steve Bell: No, not relating to any charges to this point.

Mr. Dane Lloyd: Thank you, Chief. That's very illuminating.

On March 19, this past Saturday, a reporter, Justin Ling, wrote in the Toronto Star that police sources indicated that loaded shotguns were found in trucks at the Ottawa protest.

Is this false information?

Mr. Steve Bell: I'm unfamiliar with the quote you're referring to, but as I indicated before, we received intelligence information, we continue criminal investigations, and no charges have been laid to date in relation to firearms.

Mr. Dane Lloyd: But the article claims that a police source told the journalist that loaded shotguns were found in trucks during the protest-clearing operation. You have said to this committee that is in fact not the case, that loaded shotguns were not found in trucks during the protest-clearing operation.

Is that the case, Interim Chief?

Mr. Steve Bell: As I indicated, we received intelligence information. I'm unclear around the source of information that was received through that article or the corroboration around it. We have not laid any charges—

Mr. Dane Lloyd: Interim Chief, can you clarify, speaking on the record, not off the record, that loaded shotguns were not found in the vehicles during the protest operation? Can you confirm that?

Mr. Steve Bell: Consistent with my answer previously, yes. I can confirm that to date no charges have been laid.

Mr. Dane Lloyd: If there had been firearms found, would the government have been made aware of that, as far as you know? Would the cabinet have been made aware of that if there had been firearms found?

Mr. Steve Bell: Our normal course of action would be that we would conduct an investigation and charges would be laid. As a result of those charges, there would be public notifications of those charges. We wouldn't specifically notify any level of government as to the course or the conclusion of any investigation.

Mr. Dane Lloyd: But they would have been immediately aware if you had found firearms. Correct?

Mr. Steve Bell: There would have been public notifications made.

Mr. Dane Lloyd: We had a cabinet minister, the Minister of Crown Indigenous Relations, Marc Miller, retweet that article from Justin Ling from the Toronto Star claiming that there were loaded shotguns found in trucks. This is misinformation, Chief.

I submit to the committee, this is misinformation being spread by a journalist and misinformation being spread by a member of this government. I'll close my remarks and give my time to Mr. Shipley.

Thank you, Mr. Chair.

Thank you, Interim Chief.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Chair.

First of all, I'd like to thank all the witnesses who are here with us today. I witnessed first-hand what went on here in Ottawa. Both your services, in very trying times—I spoke to many of the officers out there—handled themselves in a very professional manner.

I'd first like to direct a couple of my questions to Commissioner Carrique.

Hello, Commissioner Carrique. I understand we have some mutual acquaintances.

I had the opportunity to speak to two previous commissioners of the OPP as this was going on, trying to get some information. One of them told me an interesting statement, which is that you will never find a police service that would turn down additional powers.

Would you agree with that statement, Commissioner?

Commr Thomas Carrique: Thank you.

Through you, Mr. Chair, I would like to know the context of the statement. I don't know that we are in a position to turn down additional powers. We utilize the laws that are provided to us. We do so in a judicious manner consistent with the Charter of Rights and Freedoms.

Mr. Doug Shipley: Thank you for that.

I'm not giving you all the details, so I know I kind of put you on the spot. It was obviously around the emergency measures act and how that could help some services.

Also, through discussions with those two past commissioners, they both felt that the emergency measures act was not required. Could you elaborate on that? Do you agree with your predecessors on this?

• (1120)

Commr Thomas Carrique: The Emergencies Act was an extremely valuable tool. This was identified as a threat to national security. We were able to utilize a number of the powers in the Emergencies Act: specifically, prohibiting people from attending designated areas; limiting the presence of children, which created a significant public safety risk; compelling service providers to assist with the removal of vehicles that required heavy tows and providing indemnification for those service providers; and the freezing of accounts.

These tools made our operation very effective, and in the absence of having those tools, we could have not have been as effective as we were.

The Chair: Thank you very much.

I would now like to invite Mr. Noormohamed for six minutes of questioning.

Sir, we'll go over to you.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair.

I'd like to thank both of you for being with us today.

I'd like to start with Interim Chief Bell.

Thank you so much for your opening comments. I think they were important for all of us to hear.

I just want to clarify something that was asked of you. I know my colleague Mr. Lloyd is not here, but I think it's important for the record.

To be clear, you said there have been no charges laid to date related to firearms. Is it possible that charges could still be laid related to firearms?

Mr. Steve Bell: We don't specifically comment on the progress of ongoing investigations. As I indicated in the answer, information and intelligence was received prior to the demobilization of the demonstration around the existence of firearms within the footprint. Investigations relating to weapons offences continue. Upon the completion of them, we'll be able to provide information if there are charges ultimately laid. To date, there have been no firearms-related charges laid in relation to our takedown.

Mr. Taleeb Noormohamed: Thank you.

There has been, as you know, a lot of interest across Canada in what happened in Ottawa. Many of us receive emails from people with information about how they believe things went down in Ottawa.

If you'd indulge me, I have a few questions. I want to ask you just to clarify things you said in your opening statement for folks across the country, so there isn't misinformation about what happened in Ottawa.

Would you classify what happened in Ottawa as a peaceful unobstructive protest?

Mr. Steve Bell: Mr. Chair, as I indicated in my statement, no, I wouldn't. As the protest demonstration unfolded, we quickly identified it as an illegal occupation of our streets. Beyond our own observations of it, that was by far and large the sentiment we were receiving from our community: that the activities ongoing within the streets were extremely disruptive and made them fear for their own safety within their community.

So, no, I do not believe this was a lawful demonstration within our streets, and for those reasons we took the course of action we did to ultimately remove them.

Mr. Taleeb Noormohamed: Thank you.

Interim Chief, just to clarify again for folks who may not have heard your statement, were there multiple reports of allegations of hate crimes?

Mr. Steve Bell: The existence of undesirable, intolerable criminal behaviour that the residents of our city were subjected to is well documented through the course of our investigations and through the course of the unfolding of our dismantling of the occupation.

What I can tell you is that all through the occupation, we had conversations with our community where they demonstrated and identified and reported incidents of hate-based crimes and incidents that they were experiencing within their streets. We continue to investigate those incidents. We continue to look at the community healing and reparation that we know needs to go on within our community based on the intolerable circumstances and behaviours they were subjected to.

Mr. Taleeb Noormohamed: Thank you.

There were reports of visible minorities, of indigenous people, of women, of vulnerable communities being harassed, being made to feel unsafe, and they were told not to worry because this was a peaceful protest.

Do you believe they had reason to worry?

• (1125)

Mr. Steve Bell: Mr. Chair, I think it's a very interesting question, and I don't think I'm the one properly situated to answer it.

What I can tell you is that the community members we spoke with experienced that. They felt unsafe in their communities. They were terrorized by activity that occurred in interactions with them relating to people who were present in and around the occupation. They experienced incidents of hate, biased crimes and biased incidents in their interactions. Their very real, very relevant experi-

ences were exactly that; they felt unsafe within their own communities.

Mr. Taleeb Noormohamed: Interim Chief, as you reflect on what was going on and having heard from your community, how did you feel when you saw political leaders encouraging or supporting the blockade and defending the actions of those who were occupying your city?

Mr. Steve Bell: Mr. Chair, my focus throughout this was to work with my policing partners.

I would like to publicly thank Commissioner Carrique and Commissioner Lucki for the amazing support they provided throughout this. When it came to our interactions with various levels of government, our sole focus was identifying how we could access the resources and supports we needed and how we could leverage adequate tools, including the legislative changes like those in the Emergencies Act, which we ultimately received. When it came to political and government operations, those were the only things we focused on.

Mr. Taleeb Noormohamed: We have a very short amount of time left. I'm going to ask you two very quick questions and I'd really appreciate your answers. A lot of folks said that the protest became illegal only after the Emergencies Act was invoked. Could you share your perspective on that very quickly? Could you also share whether in fact laws and statutes were broken prior to the Emergencies Act being invoked?

Could you also confirm or deny that "a large number of—"

The Chair: I'm sorry, but he's going to have only 10 seconds to answer both.

Mr. Taleeb Noormohamed: Okay.

Could you confirm your perspective on whether the Emergencies Act was needed or not?

The Chair: Time's up. Sorry.

I'll give you 10 seconds to answer, Interim Chief.

Mr. Steve Bell: That's a challenge.

The unlawful activity progressed throughout the course of the occupation; that is, from the time people did not leave what could have been a lawful demonstration to, ultimately, our takedown, unlawful activity was observed, documented and prosecuted.

The Chair: Thank you very much.

I'll now call on Ms. Michaud to begin her six-minute question slot.

The floor is yours.

[Translation]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

I thank the witnesses for being here with us today. We appreciate it; we were looking forward to hearing their testimony.

I would like to take this opportunity to thank the Ottawa Police Service for its excellent work. I also want to thank the officers, who managed to implement a large-scale operation to remove the protesters who had set up on Parliament Hill for several weeks.

That said, the first question that comes to my mind is this: why did this operation not take place earlier? Why did it take so much time to implement it?

I can't help but draw a parallel with what happened in Quebec City. As soon as they got the information that people were heading to the National Assembly in Quebec City, the mayor of the city and the premier of the province issued warnings. They said that they would not tolerate any excesses. Police blocked access to the Parliament. There were police officers from the Sûreté du Québec, or SQ, and from the city's police force just about everywhere near the National Assembly and in the surrounding streets. There were even tow trucks on site.

That said, I wonder about the Ottawa Police Service's preparation.

At what point, Mr. Bell, did you know that people were heading to Parliament Hill?

How did you prepare? How did you work with other police services, with levels of government and with the City of Ottawa?

How did you prepare for this convoy that was clearly headed for downtown Ottawa?

[English]

Mr. Steve Bell: Thank you, Mr. Chair.

One of the things that I think are really important to highlight is that as the police of jurisdiction in Ottawa, on a yearly basis we deal with hundreds of demonstrations. In the seat of the Parliament for the nation, as the police of jurisdiction in the nation's capital, we do that. That is what we do. On a daily basis, we manage, support, liaise and work with protesters and demonstrators in our jurisdiction so they can engage in their lawful right to have their voices heard.

This circumstance was unprecedented. We'd never seen it previously. On previous occasions within the six months prior to this, several demonstrations involved vehicles attending our jurisdiction to have their voices heard.

All of the past activity consisted of people attending, having their voices heard, as is their constitutional right, and then leaving. We prepare, support and work with protesters to look at how we can best manage their safety and the safety of the community.

What I can tell you is that as this built, as this moved across the country and as it ultimately settled down into our jurisdiction—ultimately occupying our streets—this grew to be a very different circumstance from any other protest or demonstration that we had managed in the past. The very outcome of it identifies how different it was.

Last year, during protests here, there were fewer than five arrests associated with demonstrations and demonstration activity. In this protest, we had 280 arrests that resulted in hundreds and hundreds of criminal charges. Those circumstances did not exist prior to this demonstration occupying our streets.

Since this has occurred—

● (1130)

[Translation]

Ms. Kristina Michaud: I'm sorry to interrupt you, Mr. Bell. As I don't have much time, I'd like to go back to the main question.

You said in your opening remarks that the intent of the protesters was clearly to disrupt public order and to disrupt the downtown area. People were displaying symbols of hate. You're saying that this is something you'd never seen before.

Every week, people who want to be heard come and protest in front of Parliament. However, the ones we're talking about clearly intended to stay. They were telling the media that they would not leave until they got what they wanted. We could see that they had the intention of going a little further.

I have the impression that at some point, the scale of the situation became unprecedented. Around the 11th or 12th day, an Ottawa Police Service employee wrote a letter to Mr. Trudeau and to the mayor of the city, Mr. Watson, asking for 1,800 more officers. These additional resources could have allowed you to act more quickly.

How did you prepare yourselves?

When you asked for help, were you heard?

[English]

Mr. Steve Bell: I think you've identified scope and scale, which are very important factors that play in this. The original intelligence we had identified a much smaller footprint for the people who were what I would call motivated to stay for longer periods of time. What ultimately ended up on our streets in terms of scope and scale—geographical footprint—was not consistent with what we believe was intended to occur.

Beyond that, the activities engaged in by the protesters were not what we believed would occur and were not consistent with previous demonstrations that had occurred in our streets. The hate, the disruptive behaviour, the intimidating behaviour and the noise pollution that terrorized our communities—24 hours a day, seven days a week—were nothing like what had occurred before.

You mentioned the preparations by other jurisdictions. I can tell you that through conversations with many other chiefs of police, which are ongoing, much has been learned from what occurred in Ottawa.

Chief Ramer from Toronto clearly indicated—

The Chair: Thank you very much. I'm sorry, Interim Chief, but we're out of time on that block.

I'd like to turn now to Mr. MacGregor.

Sir, you have six minutes. The floor is yours.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you so much, Chair.

Chief Bell, I'm going to continue with you. Your opening remarks quite skilfully and completely deconstructed the narrative that this was a peaceful protest. I appreciate your providing Ottawa Police Service's perspective on what your officers were dealing with.

I want to go through this timeline. The convoy arrived in Ottawa on the weekend of January 28. On February 6, Ottawa declared a local state of emergency, and on February 11, the Province of Ontario followed suit. Then on February 14, a federal state of emergency was declared. With the declaration of a state of emergency by both Ottawa and the Province of Ontario, there were a lot of questions as to why existing laws were not sufficient to deal with this protest. Why did we get to the point, on February 14, where federal powers were necessary?

Can you please explain to the committee why a local state of emergency and then a provincial state of emergency were not enough to deal with the occupation of Ottawa?

• (1135)

Mr. Steve Bell: As I indicated in my statement, and as Commissioner Carrique reiterated in his opening statement, there were several factors and several pieces that needed to come into play for us to be able to successfully and safely end the occupation of our streets.

One of those pieces were the injunctions levelled within the city of Ottawa. Another piece was the provincial state of emergency and Emergencies Act that were implemented. The final piece was the Emergencies Act. They all provided different components, legislation and tools for us that were utilized to ultimately and successfully take down the demonstration that was occurring.

Beyond the tools we had, we needed to amass the resources. We did ultimately have just shy of 2,000 police members attend our city streets in order to be able to successfully dismantle this.

We needed not only tools but resources and the plan. That all culminated in the ultimate takedown that you were able to witness.

Mr. Alistair MacGregor: I think that residents of Ottawa still have a lot of questions about their police service and the actions that led up to the declaration of emergency.

We had media reports and we saw pictures of police officers standing by while people were carting jerry cans of diesel fuel. A lot of residents rightfully have questions as to why those officers were not enforcing the law at that time. Can you provide some illumination as to why that did not occur?

Mr. Steve Bell: Mr. Chair, I'll concur at the beginning that residents of our city did have questions about our activities as we led up to this. I have questions about our activities leading up to this. That's why discussions like these and the internal review that's going to be done by the City of Ottawa are so important. We need to

learn from these circumstances. We need to make sure that something like this never replicates itself again.

This was an unprecedented, unseen event for any jurisdiction across Canada. The members of our police service, our unified command team between the RCMP and the OPP, were dealing with a situation that had never been tackled and had never been approached before.

We went through a series of methodical planning, a series of resource gathering, and ultimately utilized the tools that were presented to us in order to safely take down this demonstration and the illegal occupation of our streets. There were as many questions—

Mr. Alistair MacGregor: I need to interject. I'm sorry; I have limited time here.

Very quickly from you, on what date did you feel that the protest had moved into an illegal occupation?

Mr. Steve Bell: As I indicated, as the protest grew in scope and scale, and as we observed the activities of the members, it turned from what would have been a demonstration to an illegal occupation very early in the stage, and that's when we—

Mr. Alistair MacGregor: So it was very early....

There are reports that some members of the Ottawa Police Service donated funds through GiveSendGo to contribute to the illegal occupation. Police officers are necessarily held to a higher standard because of the role they play in our society. What does it say when we have police officers funding an occupation that is actively undermining the residents' right to peace and security and the ability to go about their daily business?

Mr. Steve Bell: Mr. Chair, that is an extremely important question and one that has been asked of me many times.

I've been very clear around that: People who support, members who support, this activity do not share the values of this organization. We have already commenced and initiated investigations that will look to fully discipline, within our authorities, any misconduct that's identified.

I also think it's really important to balance that. The vast majority of the members of this police service, the members of the OPP and the RCMP and every police member who attended our city, did it with the values that we hold and share to make sure that these illegal activities and occupation of our streets were removed so that the streets could be given back to our citizens.

I think that's the important thing to focus on.

• (1140)

The Chair: Thank you very much, Chief.

Thank you, Mr. MacGregor.

We'll now move into the second round of questions. That begins with Mr. Brock, who will have five minutes.

Sir, the floor is yours.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Chair.

Thank you to the witnesses for your presence today and your testimony.

Largely, my questions will be directed towards Interim Chief Bell.

Interim Chief Bell, as just a little bit of background, we know that there were a number of other similar protests around this country. We know that there was a border dispute in Alberta, a border dispute in Manitoba and a border dispute at the Windsor Ambassador Bridge.

You'll agree with me, Officer, that those disputes were all resolved and removed and charges laid without the invocation of the Emergencies Act. Yes or no?

Mr. Steve Bell: Mr. Chair, I would debate the definition of "similar". Border protests in non-residential areas are considerably different from an occupation of what amassed to approximately 20 square blocks in the centre of a major municipality within the country, in front of a Parliament that had to suspend sitting for a period of time so that the police operations could be undertaken. The characterization of the other three demonstrations and where they were situated, as well as scope and scale, I don't think is comparable to what happened within the streets of Ottawa.

Mr. Larry Brock: You'd also agree with me, Officer, that in fact part of the wording of the statute is that the invocation can only take place where there are no other existing laws in Canada to remove the nuisance or dispute.

You'd agree with me that in these circumstances there were a myriad of Criminal Code charges, Highway Traffic Act charges and City of Ottawa municipal bylaws, as well as several Superior Court orders, that could have been utilized by the rank and file of the Ottawa Police Service, but there were no charges laid before the invocation of the Emergencies Act.

Do you agree with that, Officer, or not?

Mr. Steve Bell: I do not, and I do not because there were several criminal charges laid in the course of our enforcement through the process of stabilizing, maintaining and ultimately removing the demonstrators from our streets. The Emergencies Act—

Mr. Larry Brock: I'm sorry to interrupt. Was that before or after the invocation of the act?

Mr. Steve Bell: There were criminal charges laid prior to the invocation of the Emergencies Act.

Mr. Larry Brock: Okay. What charges were they?

Mr. Steve Bell: I would—

Mr. Larry Brock: Were they Criminal Code charges?

Mr. Steve Bell: Absolutely. There were Criminal Code charges related to activities surrounding the demonstration.

Mr. Larry Brock: You mentioned "racing dangerously" around the city core.

Those laws exist under the Highway Traffic Act, and presumably that wasn't simply a report that was generated to the Ottawa Police Service, but your rank and file—hundreds and hundreds of rank-and-file Ottawa Police Service members—were able to witness that

dangerous behaviour, and yet no charges were laid in relation to that conduct. You'd agree with me?

Mr. Steve Bell: As I indicated in my opening, the Emergencies Act was one of the tools that we utilized. What specifically it provided us was the ability to create an exclusionary zone. One of the major issues that we had in trying to manage and maintain was the free flow of people in and out of the demonstration footprint—the red zone, as we called it, and our ability to—

Mr. Larry Brock: I get that.

Chief Bell, thank you. I have a limited amount of time. That does not answer my question.

My question is, there were a number of Highway Traffic Act infractions and Criminal Code violations being conducted in the presence of police officers where no charges were laid: What direction did leadership give to the rank and file to turn a blind eye to this illegal behaviour that only became necessary in terms of exercising your duty as a police officer after the invocation of the act?

● (1145)

The Chair: You have 15 seconds, Chief.

Mr. Steve Bell: There was no direction to disregard criminal activity or the Highway Traffic Act activity. In fact, what we have done is to gather information and intelligence, and we continue to do investigations around that very activity you're discussing.

What was paramount for us was the safety of the community, the safety of our officers and the safety of the demonstrators, and on several occasions that safety was—

The Chair: I'm sorry for interrupting. It's not the best part of my job but it's an important part.

Now we turn to Mr. Naqvi, who has five minutes.

Mr. Naqvi.

Mr. Yasir Naqvi (Ottawa Centre, Lib.): Thank you to all the officers who are here today.

My questions will be for Interim Chief Bell.

Chief Bell, thank you for being here and for being so forthcoming in answering questions.

I'm going to be asking some really basic fact-based questions, questions that I'm hearing directly from the community I represent. As you know, I represent Ottawa Centre, which was ground zero for this illegal occupation, and I think you've also been asked these questions by the citizens of our community.

Let me start with this: Is it a general practice for Ottawa police to let vehicles park on Wellington Street?

Mr. Steve Bell: Mr. Chair, as I indicated in an earlier answer, at various times, related to different protests that have occurred in the past, including in the very near past, provisions have been made to allow vehicles into that area, to have protesters' voices heard, after which they have left.

Mr. Yasir Naqvi: As you mentioned, we get protests often around the parliamentary precinct. Have we in the past for various protests allowed cranes to be mounted right in front of Parliament Hill?

Mr. Steve Bell: I'm sorry, Mr. Chair, but if you mean specifically whether we allow cranes and we manage the access to that, then, yes, absolutely, that is one of the functions of the Ottawa Police Service.

Mr. Yasir Naqvi: But we don't allow those types of equipment, as part of a protest, to be stationed on Wellington Street?

Mr. Steve Bell: Mr. Chair, it depends on the context of the protest. We, as a police service, attempt to facilitate people's lawful right to have their voices heard. We have facilitated that ability for many different communities in different ways in the past.

Last summer, we had a farmers protest in which many dozens of tractors occupied the same area. In the past we have had trucking association demonstrations, during which vehicles have come and parked in that area, driven around different areas, gotten their message across and then ultimately left the jurisdiction, as is the course of a normal protest.

Mr. Yasir Naqvi: Chief Bell, I've seen a lot of those protests as well, and it was highly unusual to see a crane right in front of the Privy Council Office and the Prime Minister's office.

Did these protesters have a permit to hold a protest at Parliament Hill?

Mr. Steve Bell: As the police of jurisdiction for Ottawa, we do not provide permits for people to protest within the parliamentary precinct. That's not within our area of jurisdiction. We are able—not ourselves but through our city partners—to issue permits for demonstrations and protests that occur within our city. I can tell you that as a result of the ongoing pandemic, those permits have been suspended, so no permit has been issued for any protest within the time span of the pandemic because protests have not been sanctioned by the city.

• (1150)

Mr. Yasir Naqvi: Thank you.

The protest started around January 28. After the first weekend, around February 1 or 2, the Tuesday or Wednesday, I recall seeing a news release from Ottawa police that clearly said there were about 200 to 250 protesters with a couple hundred vehicles.

As you stated, a few laws were being broken, so why didn't the Ottawa police at that time move in and enforce the existing laws at their disposal to remove the occupiers?

Mr. Steve Bell: As I indicated before, I think it's important to understand the scope, scale and magnitude of the operation we undertook.

I understand that people have witnessed and observed how many police officers it took to come here, the amendments of powers that we needed in order to be able to create a safe environment to begin that operation. That took time as it moved through....

The numbers of people involved in the protest site fluctuated, but the number of vehicles did not dramatically fluctuate. The vehicles were an impediment to us—

The Chair: You have 10 seconds, Chief.

Mr. Steve Bell: —and a concern and something that was different for us in dealing with....

Mr. Yasir Naqvi: But, Chief, in the eventual operation, you removed vehicles and—

The Chair: I'm sorry, but we're out of time.

Mr. Naqvi, you're out of time, sir. We have to move on.

We will move to Ms. Michaud.

You have all of two and a half minutes. Make good use of it.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I will pick up the conversation where I left off earlier with Mr. Bell.

Mr. Bell, you said that the other police services, such as in Quebec City, were perhaps somewhat better prepared because they took note of what happened here in Ottawa. They were obviously better prepared, and events made that clear.

I'm a little more interested in the outcome of the crisis. In Ottawa, we apparently needed the Emergencies Act to bring the crisis to an end, but that is not what happened in Quebec City, because protesters were not given time to dig in.

In Windsor, at the Ambassador Bridge, protesters did have time to dig in, but it was possible to dislodge them and dismantle the blockade without applying the Emergencies Act.

I'll ask you again the question I asked earlier. Prior to the use of the Emergencies Act, you had asked for reinforcements, for additional officers to be sent to you. If you had received these reinforcements, do you think that would have tipped the scales?

[English]

Mr. Steve Bell: Mr. Chair, as I indicated, the pieces that we needed to come together needed to come together. They ultimately came together, and that allowed for our dismantling of the operation. Those pieces included the amassing of the resources and the tools we needed to create the environment we could undertake to ultimately dismantle the operation.

Those are the timelines that we've identified, and those are the timelines that I've spoken about over the course of these questions.

[Translation]

Ms. Kristina Michaud: I have the impression that these tools and resources could have been available to you already, and that it was not the Emergencies Act that enabled their use.

When a car obstructs a public road, you can write a ticket, you can have it towed. You can set up physical barriers, you can block off streets to prevent cars from moving in. These are all powers you already had.

Why didn't you use them earlier?

I think there was a change in attitude once the Emergencies Act was invoked. Before that, officers were supervising protesters and monitoring the protest as if it were normal. Clearly, it was not; it was an occupation.

Before the Emergencies Act was applied, we didn't see officers trying to remove the protesters. Why was there no attempt to remove them before, even if there was a slight lack of resources? Clearly, the tools were already available to you.

[English]

Mr. Steve Bell: The emergency measures act—

The Chair: I'm sorry, but we're out of time.

However, I'm going to give you 10 seconds to answer that, please.

Mr. Steve Bell: The emergencies measures act specifically provided us with authorities to utilize those officers who attended. It specifically provided us with authorities to exclude vehicles and pedestrians from the area, authorities that we did not have prior to it being invoked.

The Chair: Thank you very much.

Mr. MacGregor, we'll go over to you for two and a half minutes.

Mr. Alistair MacGregor: Thank you, Chair.

Chief Bell, the integrated terrorism assessment centre, in the week before the convoy arrived in Ottawa, provided intelligence assessments that concluded that violent extremist groups were deeply involved in the protest movement. Then we had a convoy—with that assessment—arriving in our nation's capital, setting up on Wellington Street right beside the Prime Minister's office, right beside the seat of our democracy.

How did those assessments inform police behaviour? That should have put you on high alert. Even if what turned out afterwards was far from the assessment, that assessment alone should have put your police officers on high alert that potentially something could happen in a very bad way.

• (1155)

Mr. Steve Bell: What I can say is that we were on high alert as an organization, and we thank our partners from the OPP and the RCMP who helped us to actively gather intelligence throughout the buildup to this and all the way throughout the occupation and ultimate takedown.

We are actively now engaged in the reviews that identify the information we had, the courses that were taken and how we can learn in order to be able to make sure something like this does not occur again.

What I can tell you is that the planning we did was exactly in line with protest planning that had been done in the past. What we saw in front of us was an extremely unprecedented occupation.

Mr. Alistair MacGregor: Chief Bell, at the time, though, did you feel that was a national security threat? When you received those assessments, did your police officers feel that was a viable national security threat?

Mr. Steve Bell: As the intelligence experts we have are with us, I am going to turn this question over to Commissioner Carrique. He and his organization were principal in gathering that intelligence.

Commissioner Carrique.

Commr Thomas Carrique: Thank you, Chief Bell.

Through you, Mr. Chair, we did identify it as a threat to national security, through the provincial operations intelligence bureau, on or about February 7.

The Chair: Thank you very much.

Colleagues, we have two more questioners but not sufficient time to give them the full allotment.

I'm going to ask Mr. Shipley and Mr. McKinnon to confine their periods to three minutes each.

Mr. Shipley, the floor is yours for three minutes.

Mr. Doug Shipley: Thank you, Chair.

Very quickly, to both Commissioner Carrique and to Interim Chief Bell, were you at any time during this protest given any political direction from any level of government, be it your councillor, your mayor, your board of police or your provincial or federal jurisdictions?

Commr Thomas Carrique: I can answer first, Mr. Chair.

Absolutely not. At no point in time did I receive any direction. I am solely responsible for the operations of the Ontario Provincial Police.

Mr. Steve Bell: I can concur with Commissioner Carrique.

I must make the statement, though, that I did not become chief of this operation until February 15. From that time moving forward, I have received no political direction or intonation around what I should do. We operate as an independent policing service under the oversight of our police services board.

Mr. Doug Shipley: Thank you for that. That's reassuring to know.

Interim Chief Bell, it was a bad situation, quite frankly. When I am here, I live in downtown Ottawa. I walked through this protest when coming to work in the morning, and at night.

I was surprised, though.... There was one particular night when I walked home with a colleague. I'll admit that we took a bit of a longer route to see what was going on and to have a look at this, as I had to walk through it. That night—and it was probably about nine o'clock at night or so—I did not see one single Ottawa police officer anywhere in the protest keeping an eye on anything.

I heard that perhaps absences were up at the beginning of this protest. Could you maybe give me some information as to why there weren't any officers there and whether absences were up at the beginning of this protest?

Mr. Steve Bell: Mr. Chair, I can't comment specifically on what was observed because I'm unsure of the exact date and time.

What I can tell you is that our members and members from across the country came together in force to help support the take-down of the occupation. It took a considerable amount of time to amass that number of resources.

In the early days of the illegal occupation, we indicated the resourcing pressures that we felt as an organization. We relied on the Ontario Provincial Police and the Royal Canadian Mounted Police to help support our operations.

Although I can't comment on whether you saw an Ottawa police member in the crowd or not, what I can tell you is that from the time this started to the time that it was ultimately taken down, police members monitored and actively worked to dismantle it.

• (1200)

Mr. Doug Shipley: Thank you for that answer.

I should have clarified that I didn't see any uniform members. I'm sure there were other members in and about there.

My last question, then—

The Chair: You have 10 seconds, sir.

Mr. Doug Shipley: Very quickly, I know that Chief Sloy kept requesting the number of 1,800 officers. Was there a plan to use those 1,800 officers?

The Chair: That will have to be a yes-or-no answer.

Mr. Steve Bell: Absolutely. The number of 1,800 was built around a plan that we needed to build to monitor, maintain, stabilize and ultimately dismantle. That's what we were ultimately able to amass, as the refined planning went into—

The Chair: Thank you very much.

Now, for our last three-minute slot, I understand that I go to Mr. Zuberi.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair.

I'd like to thank all the witnesses for being here and for doing their duty to protect and serve society.

I'd like to double back on some remarks that have been made thus far.

We heard from the OPP, Interim Chief Bell, that on February 7, you had intelligence saying there was a national security threat. Was this national security threat related to far-right extremism?

I'm not sure if he can hear me. I ask that my time be paused while we're waiting for the answer.

The Chair: Chief, did you hear the question? Are you there?

Mr. Steve Bell: I'm sorry. That's my mistake. I believed that question was for Commissioner Carrique around the intelligence.

Mr. Sameer Zuberi: No, for the Ottawa Police.

Mr. Steve Bell: My apologies. Again, I will defer to Commissioner Carrique around the intelligence. It was the OPP that led the intelligence efforts around this.

Mr. Sameer Zuberi: If you could reply quickly, was that related to far-right extremism?

Commr Thomas Carrique: I'm sorry, Mr. Chair. This is not the appropriate venue to get into the specifics of intelligence.

What I can tell you is that in the collection of intelligence right across this country, with the simultaneous activities going on and the events in our nation's capital, we did identify, collectively, a risk to national security.

Mr. Sameer Zuberi: Thank you for confirming that.

We've spent about a minute on lost time due to lack of answers, so I ask for that back.

Going back to the OPP, there was a real and live national security concern. You've said that Ottawa handles hundreds of protests every year. Were you in contact with the protest organizers in advance of the actual protest or convoy? If so, did you try to prevent them from entering Wellington Street and the environs of the parliamentary precinct?

Mr. Steve Bell: I believe that question is for me, as I'm the one who stated that we have managed hundreds of protests.

We regularly and in all occasions attempt to make contact and work—liaise—with the organizers. That's the important part of our police liaison team—

Mr. Sameer Zuberi: I'm sorry—

Mr. Steve Bell: [*Inaudible—Editor*] extremely successful—

Mr. Sameer Zuberi: —but I'm just trying to ask a question. Were you successful in making contact with the protest organizers?

Mr. Steve Bell: This was a difficult group to identify protest organizers within. It was a fractured, frayed group. We did make contact with several people—

Mr. Sameer Zuberi: Thank you. My time is very limited.

I found the Facebook page of the convoy that was developed as of January 14. The protests started on January 22. Were you in contact with the protest organizers through information they made available through their Facebook page and other methods?

Mr. Steve Bell: Again, the protest organizers were extremely difficult to identify because it was a very fractured, frayed group of people.

Mr. Sameer Zuberi: So I—

Mr. Steve Bell: Our police liaison team members did an amazing job in contacting as many different people that had identified themselves as organizers to start discussions....

The Chair: Okay. Thank you very much.

I added it to the time—

Mr. Alistair MacGregor: I have a point of order, Chair.

Just quickly, I was wondering, through you, if you could invite our witnesses to provide written briefs. They may not have been able to fully develop some of their answers during testimony, and I think written briefs from both departments would aid our committee in getting a fulsome picture of this.

The Chair: Sure. I can make that request.

I want to thank the witnesses for coming to appear in front of this committee at a very difficult time. The request has been made that—

• (1205)

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): I have a point of order, Mr. Chair. I'm sorry to interrupt.

During the course of this meeting, Mr. Lloyd has tweeted that “Ottawa interim chief Bell...confirms that no firearms were found during [a] clearing of the Convoy protests”. That's not the testimo-

ny I heard. I believe that mis-characterizes Chief Bell's testimony and I would urge people to look at the actual testimony.

The Chair: We're not going to be debating tweets in front of the committee.

However, I will ask the witnesses to feel free to give us more information if they had insufficient time to answer these questions fully. I would encourage them to do that.

On behalf of the committee, and in fact on behalf of the Parliament of Canada, I want to thank the witnesses. I know how intense a time this has been for all of you. We appreciate you sharing your views and your perspectives for us. Thank you very much.

Members of the committee, we will now suspend for five minutes and we will return in camera. Thank you.

[Proceedings continue in camera]

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Standing Committee on Finance

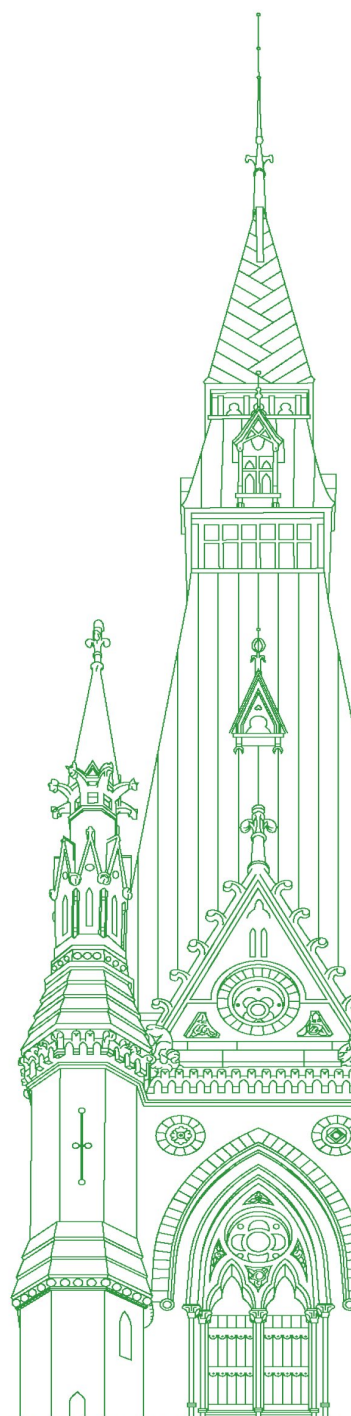
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PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT

Thursday, March 17, 2022

Chair: Mr. Peter Fonseca



Standing Committee on Finance

Thursday, March 17, 2022

● (1435)

[English]

The Chair (Mr. Peter Fonseca (Mississauga East—Cooksville, Lib.)): I call this meeting to order.

Welcome to meeting number 31 of the House of Commons Standing Committee on Finance. Pursuant to the motion adopted in committee on Thursday, February 17, the committee is meeting to study the invocation of the Emergencies Act and related measures.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely, using the Zoom application. The proceedings will be available via the House of Commons website. Just so that you're aware, the webcast will always show the person speaking, rather than the entirety of the committee.

Today's meeting is also taking place in a webinar format. Webinars are for public committee meetings and are available only to members, their staff and witnesses. Members enter immediately as active participants. All functionalities for active participants remain the same. Staff will be non-active participants and can therefore only view the meeting in gallery view. I'd like to take this opportunity to remind all participants in this meeting that screenshots or taking photos of your screen are not permitted.

Given the ongoing pandemic situation and in light of the recommendations from the health authorities, as well as the directive of the Board of Internal Economy on October 19, 2021, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing and must wear a non-medical mask when circulating in the room. It's highly recommended that the mask be worn at all times, including when seated. Participants must maintain proper hand hygiene by using the provided hand sanitizer at the room entrance. As the chair, I'll be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

To ensure an orderly meeting, I'd like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of the floor, English or French. If interpretation is lost, please inform me immediately and we will ensure that interpretation is properly restored before resuming proceedings. The "raise hand" feature at the bottom of the screen can be used at any time if you wish to speak or alert the chair.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in the committee room. Keep in mind the Board of Internal Economy's guidelines on mask use and health protocols.

Before speaking, please wait until I recognize you by name. If you're on the video conference, please click on the microphone icon to unmute yourself. To those in the room, your microphone will be controlled as normal by the proceedings and verification officer. When speaking, please speak slowly and clearly. When you're not speaking, your mike should be on mute. I would remind you that all comments by members and witnesses should be addressed through the chair. With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they're participating virtually or in person.

I'd now like to welcome our witnesses. From the Automotive Parts Manufacturers' Association, President Flavio Volpe is with us. From the Canadian Credit Union Association, we have the president and chief executive officer Martha Durbin, and vice-president of government relations Michael Hatch. From GoFundMe, we have president Juan Benitez, and general counsel Kim Wilford.

Welcome.

At this time, the witnesses will have an opportunity to provide remarks for up to five minutes. We will start with the Automotive Parts Manufacturers' Association and Mr. Flavio Volpe.

Mr. Flavio Volpe (President, Automotive Parts Manufacturers' Association): Thank you, Chair, and members, for inviting me. I always appreciate the opportunity to have this forum and this platform.

In November 2021, Canada reciprocated an October announcement by the U.S. that unvaccinated cross-border truck drivers would no longer be allowed to cross the border without requiring quarantine, by January. Our industry expressed concern for the effect that might have, in an already tough time, on the mode of transport we rely on most for the critical export corridors that underpin our livelihoods.

At the time, I said this to the Toronto Star:

Trucking is the lifeblood of our industry. Cars get shipped via rail, parts get shipped by truck. This is hitting the industry at a time when supply chains are having the most difficulty they've had in a hundred years.

In fact, about half the production we make a year is exported that way, \$18-billion worth or so in a normal year.

As the deadlines approached and affected drivers began to make themselves heard in public, I was circumspect in an interview with *Automotive News*:

What will happen here is, if we're down 20 per cent of truckers, industries like ours will have to up-bid our access to available drivers.

In a *Sun Media* interview, I expanded on my point and my concerns:

...the trucking shortages, now exacerbated by the mandates, will cost parts makers in both Canada and the United States. [Our] members will now be competing with those wanting to move all kinds of goods as they seek truck space and drivers.

I was, and still am, a strong supporter of vaccinations, but we caution that governments have to be sensitive and flexible to what is happening. It was always going to be a choppy transition, but the public health leadership in this country had, by most quantitative measures, placed Canada favourably in comparison with the United States and other major countries around the world. We took this latest hurdle as something we could absorb for the greater good.

In March 2020, when the COVID pandemic caught everyone unprepared, it was auto parts companies that initiated the largest peacetime mobilization of Canada's industrial capacity in response. Our call to action was echoed immediately by government. Within two weeks, parts companies began to make masks, shields, ventilators, vaccine coolers, swabs and gowns. Dozens did so without purchase orders. Our industry has served as the prime example of extraordinary civic duty, and we've done so proudly for the last two years.

This is the context in which we experienced the lawless blockade of the Ambassador Bridge by anti-government actors who cloaked themselves in a phony "truckers" cause that shut down Canada's most important cross-border asset for the first time since 9/11. That singular event in February, which seemingly paralyzed governments and law enforcement as well, cost the highly integrated automotive sector approximately \$1 billion in unrecoverable production, and then cost approximately 100,000 Canadian automotive workers similar shift and pay losses.

On a regular day, about 10,000 actual truck drivers pick up and deliver \$50 million in goods from Canadian parts companies and deliver them to their U.S. customers. They return with a similar load from U.S. factories to Canadian automakers. Those drivers were forced to stay home, unpaid, while people who pretended to be them forced them to lose actual work.

[*Technical difficulty—Editor*] inauthentic political actors in Ottawa who shamelessly egged on their social media followers, and then was carried out by a couple of dozen macroeconomically illiterate followers. Its cost to Canadian industry in shipments is dwarfed by its cost in goodwill.

It was unfortunate that a court order secured on February 14, 2022, by the APMA as lead plaintiff was required to kick-start the

enforcement of the law in Windsor. We need to have a better overall mitigation plan in place amongst all levels of government to avoid future "freedom barbecues" from blockading critical public infrastructure.

Next week I will meet with the White House for the first time since this blockade ended to talk about how we continue to build an electrified Canada-U.S. auto sector together. I thought it best to let the dust settle and the embarrassment subside before I returned to Washington to lecture Americans about their trade obligations to Canada.

Thank you.

● (1440)

The Chair: Thank you, Mr. Volpe.

I also want to say congratulations. It's your birthday today, I understand. For taking this time on this special day of yours and joining our committee as one of our witnesses today, happy birthday on behalf of everyone.

Mr. Flavio Volpe: Thank you. We can't stop time, so I appreciate your marking it.

The Chair: That's right; we can't stop time.

We will now move to the Canadian Credit Union Association for their remarks.

You have up to five minutes, please.

Ms. Martha Durdin (President and Chief Executive Officer, Canadian Credit Union Association): Thanks very much, Mr. Chair.

Thank you, members of the committee, for the invitation to speak with you today. My name is Martha Durdin.

[*Translation*]

I am the president and chief executive officer of the Canadian Credit Union Association.

Joining me today is Michael Hatch, vice-president of government relations.

[English]

The CCUA represents 219 credit unions and caisses populaires outside of Quebec. Credit unions contribute nearly \$7 billion to Canada's economy by providing deposit, loan and wealth management services to over 5.9 million Canadians. Collectively, credit unions and regional centrals employ nearly 30,000 people and manage over \$280 billion in sector assets.

Credit unions are co-operatives. In other words, the people who bank with credit unions are the same people who own them. Being accountable to our member owners, as opposed to shareholders, results in customer service that is second to none. We consistently rank at the very top of surveys of customer satisfaction for financial services.

For rural members of this committee, it's important to note that in almost 400 communities across Canada, credit unions are the only on-the-ground providers of financial services to households and small businesses.

We worked closely with financial officials and the RCMP last month as the Emergencies Act measures were rolled out. We'd like to thank the minister and her team for keeping in regular contact with us in the heat of the crisis. We're particularly grateful to senior Finance Canada officials who provided, on short notice, an in-depth briefing to our members on the financial components of the measures. It was attended by over 600 representatives from across Canada.

We also have constructive feedback to provide on other elements of the process. In the early days of the crisis, there was the impression, not uncommon in our dealings with the federal government, that the large six banks were consulted or informed days before credit unions and other financial institutions were. Credit unions represent almost half the financial sector in some provinces, and millions of Canadian consumers. We need to be at the table in discussions with Ottawa at the same level as the federally regulated banks in all matters that directly impact our operations and our members, particularly in a time of crisis such as this.

When the measures were first announced, it was very unclear to whom the financial sanctions applied. Eventually it became clear that they were aimed at a very small list of individuals and entities. However, in the early days, there was some degree of panic among some Canadians that their accounts may be frozen due to such things as small donations to the convoy. In those important days, the government was less than clear about the intended targets of financial measures under the Emergencies Act.

Many of our members expressed this concern, and many Canadians made significant withdrawals from credit unions as a result, sometimes in the hundreds of thousands of dollars, and on a few occasions millions. While these withdrawals did not cause liquidity issues at all for credit unions, staff had to manage many very unhappy members. Better and much clearer communications from the government could have mitigated this.

One credit union leader wrote to us: "We had a tremendous amount of members very seriously concerned regarding the government's ability to seize accounts; it brought forward a large sense of

mistrust with the government that they could just seize individuals accounts."

The government also granted a significant level of discretion to financial institutions regarding whose accounts to freeze. This further contributed to confusion and to possibly an uneven application of the financial components of the measures. Many would have appreciated further guidance from the government on precisely which accounts would be frozen.

In the end, a relatively small number of credit union accounts were frozen. For a short period of time, our members froze a total of 10 accounts with a total value of less than half a million dollars.

We hope this feedback is helpful to the government and to the committee.

We're happy to take your questions, Mr. Chair.

• (1445)

The Chair: Thank you.

Ms. Martha Durdin: I know it's not the purpose of this committee's current work, but I just want to say that credit unions do stand with our Ukrainian Canadians. We have Ukrainian credit unions in Canada. We condemn, in the strongest terms, the war against the people of Ukraine.

Thank you.

The Chair: Ms. Durdin, thanks for those remarks. We do have one of those Ukrainian credit unions right here in my riding of Mississauga East—Cooksville, which we are very proud of. Thank you for your opening remarks and for being with us today.

We will now move to GoFundMe.

You have up to five minutes for your opening remarks.

Mr. Juan Benitez (President, GoFundMe): Good morning, Mr. Chair and members of the committee. It is our pleasure to join you all today to discuss important matters related to the "freedom convoy" fundraiser and social fundraising in Canada.

My name is Juan Benitez. I'm the president of GoFundMe. I am joined by Kim Wilford, GoFundMe's general counsel. On behalf of everyone at GoFundMe, we want to acknowledge the impact of the so-called freedom convoy on the citizens of Canada, in particular the residents of Ottawa and each of you.

GoFundMe is the world's most recognized and most trusted fundraising platform. Our mission is to help people help each other with a goal of being the most helpful place in the world. We are humbled that GoFundMe has become a noun, synonymous with receiving help and assisting communities. That impact is far-reaching, as we have delivered over \$17 billion in assistance to communities in 19 countries since the company began over a decade ago.

In Canada we are now delivering well over \$200 million in community assistance each year, including for such significant events as the Humboldt Broncos fundraiser in 2018 that raised over \$15 million, as well as the hundreds of other campaigns that help friends and family members with their needs and dreams every day.

Before we provide a timeline of events for the "freedom convoy" fundraiser, I would like to thank Ottawa authorities, notably interim police chief Bell, Mayor Watson and their teams for their collaboration and transparency. I also want to say that all our decisions and policies are guided by our terms of service, which are posted publicly and outline what is permissible and what is prohibited on our platform. Fundraisers relating to misinformation, hate speech, violence and more are prohibited by our terms of service.

The "freedom convoy" fundraiser was created on January 14. We began actively monitoring it the next day, based on significant fundraiser activity. Our initial analysis concluded that the fundraiser was within our terms of service and could remain active. On January 27 we initiated distribution of \$1 million through our payment processing partner. It was disbursed to the financial institution designated by the "freedom convoy" fundraiser organizer. It is our understanding that TD Bank has applied to an Ontario court to surrender the money that was in the organizer's account.

Following this disbursement, public statements from the fundraiser organizer began to shift in tone, and on February 2 we suspended the fundraiser. This effectively meant that all future donations and withdrawals were paused. From February 2 through February 4, we heard from local authorities that what had begun as a peaceful movement had shifted into something else. They shared reports of violence, harassment, misinformation and threatening behaviour by individuals associated with this movement.

During this time, we also commenced a review of where donations were coming from. Our records show that 88% of donated funds originated in Canada, and 86% of donors were from Canada.

On February 4, following concerning dialogue with the fundraiser organizer and her team, as well as continued updates from law enforcement and local authorities, it became clear that the fundraiser no longer complied with our terms of service. We removed the fundraiser from our platform, and on the following day initiated refunds to all donors via our payment processing partner, including all transaction processing fees, tips and the \$1 million already paid out. When the Emergencies Act was invoked on February 14, we immediately pre-registered with FINTRAC, as was required at that time.

GoFundMe aspires to be the benchmark for responsible operations in the social fundraising industry. Over 80 of our 400 employees are dedicated to policy creation and enforcement, data privacy, information security, regulatory compliance and prevention of pay-

ment fraud, financial crimes and money laundering. We employ industry experts, and consider ourselves experts and innovators in these areas.

Beyond the investments we make at GoFundMe for trust, safety and compliance, there are multiple layers in the regulatory framework surrounding social fundraising. All donations are processed, held and paid out by our payment processing partners. This means that GoFundMe does not directly interact with or hold any funds collected from donors, and nor are we ever able to redirect those funds. While GoFundMe is not currently required to report to FINTRAC, it is our understanding that in Canada, the authorized payment method used for donating and the financial institution that receives the donated funds are both regulated by FINTRAC.

In summary, GoFundMe controls, payment processor controls and banking system controls are the three layers involved in social fundraising operations focused on ensuring regulatory compliance. We believe responsible action is core to social fundraising, and we run our business accordingly. We proactively invest in the relevant processes, teams and tools to be the industry leader in this area.

There will always be opportunities to learn and improve, and we hope the committee acknowledges the responsible actions we took in close consultation with local authorities. While this committee and the Canadian government make decisions about how to move forward, we are happy to contribute our expertise. We look forward to continuing our assistance to Canadian communities.

We look forward to the committee's questions.

● (1450)

The Chair: Thank you, president Benitez and all of the witnesses, for your opening remarks.

We are moving now to our first round of questions from members. Each party will have up to six minutes to ask the witnesses questions.

We are starting with the Conservatives and MP Fast for up to six minutes.

Hon. Ed Fast (Abbotsford, CPC): Thank you, Mr. Chair.

Welcome to all of our witnesses. I appreciate your willingness to appear.

My first question is for Mr. Benitez. Thank you for your testimony.

You mentioned that 88% of funds originated in Canada, and over 80% of the donors were from Canada. Is that correct?

Mr. Juan Benitez: Yes. Thank you for that confirmation.

Yes, 88% of donated funds originated in Canada, and 86% of the donors to the campaign were from Canada.

Hon. Ed Fast: There was some suggestion in the media and elsewhere that [*Technical difficulty—Editor*] in funding the convoy. Is there any evidence that this is the case as it relates to the fundraising that was done through GoFundMe?

Mr. Juan Benitez: When we did our analysis of the source of funds that were donated to this campaign, we worked closely with payment processing partners and related financial institutions to assess the sources of donations based on the financial instruments that were used. For example, a credit card number will have a BIN associated with it, which reflects the banking institution that issued that credit card. We believe the analysis we did in consultation with our payment processing partners is accurate.

I would also add that we proactively did an analysis on the other potential foreign sources of funds for this campaign, given the unprecedented nature of the campaign, the speed at which it evolved and the impact that it ultimately had on Canada and, specifically, the community in Ottawa. We found, as reflected in the numbers shared with the committee in my opening statement, that there was not a significant foreign contribution.

Hon. Ed Fast: When you looked at the foreign contributions and the less than 20% of foreign donors—or whatever number, maybe 22%—were there any large donors that would have stuck out and would have raised red flags in trying to influence the outcome of this protest?

• (1455)

Mr. Juan Benitez: No, we did not discover that. Once we reviewed the donations, we did not identify significant donations or patterns that were there.

I believe Ms. Wilford might know the largest donation that we took on the campaign from a non-Canadian source.

Ms. Kim Wilford (General Counsel, GoFundMe): Thank you, Juan.

Thank you for the question.

The largest donation in this campaign was from a Canadian, and it was in the amount of \$30,000. I don't have the—

Hon. Ed Fast: That was the largest donation.

Ms. Kim Wilford: That was the largest donation. Yes.

Hon. Ed Fast: We're not talking about million-dollar donations that flowed in, trying to influence the events in Canada.

Ms. Kim Wilford: No. That's correct.

Hon. Ed Fast: Thank you for that.

You also mentioned that you effectively froze the fundraiser once you discovered that there was what you referred to as “violence” and “harassment”, and that there were a number of other concerns that you had. Where did that information come from? Was it from

police authorities or other government authorities? Did it come from the media?

How did you establish the fact that there was a credible evidentiary problem with this convoy?

Ms. Kim Wilford: When this fundraiser was created on January 14, it was within our acceptable terms of use. There was nothing in our original diligence around the fundraiser organizer or anything in the campaign content that suggested that it violated our terms. The donation velocity is what caused it to get the attention of our internal teams. The next day, we started communicating with the fundraiser organizer and her team. It was on January 27, as Mr. Benitez said, that we initiated the \$1-million distribution from the campaign.

On January 31, our teams became aware of a statement by Ottawa police that caused us to want to reach out and talk to them to receive credible information about what was actually occurring. There was a lot of misinformation around this campaign and GoFundMe's role in it, so we were trying to get credible, consistent information from the authorities on the ground.

On February 2, our team spoke to local law enforcement and interim police chief Bell. On February 3, I spoke to Mayor Watson. On February 4, we again spoke to the local police in Ottawa.

However, as Mr. Benitez said, that first conversation with the local police is when we suspended the campaign on February 2. That stopped it from accepting any future donations and stopped any future disbursements from going out. We continued to do our diligence until we realized it had violated our terms and removed it from the platform on February 4.

Hon. Ed Fast: Thank you.

Mr. Chair, how much time do I have?

The Chair: You have 30 seconds, MP Fast.

Hon. Ed Fast: Okay.

I have a quick question, Mr. Volpe. You referenced terms like “phony 'truckers' cause” and “inauthentic political actors”. Can you expand what you might mean by a phony truckers cause?

Mr. Flavio Volpe: What we saw on the Ambassador Bridge was that the drivers who had goods in long-haul vehicles were the people who were being blocked from delivering them. The people who were on the bridge were people with the closest association.... The trucks they had appeared to be pickup trucks that they drove to put in place in the middle of traffic. A different portfolio of vehicles blocked that road than what we saw on Wellington Street.

Hon. Ed Fast: But does that make them phony truckers—

The Chair: Thank you, MP Fast. That's the time.

We are moving to the Liberals.

MP Chatel, you're up for six minutes.

Mrs. Sophie Chatel (Pontiac, Lib.): Thank you, Mr. Chair.

Thank you again to our witnesses for being here with us today.

I will start with a bit of context on where my concerns are. My questions will be directed to GoFundMe.

First, there were donations made to finance activities that were illegal and hurtful to the economy. Second, there were a number of foreign donations, and they increased as the illegal activities became more extreme and more hurtful to our economy, and to the residents of Ottawa, for example. At GoFundMe, 12% of donations were identified as foreign-sourced. That contribution increased to nearly 50% once you closed your platform to those donations, when GiveSendGo opened for donations. We also heard U.S. news channels with different standards, quite frankly, for the integrity for their information, which incited four-million-plus viewers to donate and participate in those illegal activities.

As part of the context, too, we know that Russia has been engaged in misinformation warfare for years. We only have to look at the Mueller report to understand that. They do have at their disposal, according to serious economic studies—one from Cambridge, Massachusetts—\$1 trillion in Russian dark money that is circulating and dedicated to undermining our democracy.

You accumulated \$10 million from donors, and the other platform the same thing, with more foreign donations. You paid out \$1 million to organizers of blockades that occupied Ottawa and the bridge for the stated purpose of defying our democracy, at the time Russia was preparing for war. That's the context, and it could have been a lot worse if you hadn't acted quickly and if our government hadn't acted quickly. This can no longer happen. I'm very glad to hear that you want to be a leader in protecting the integrity of the donation platforms.

My question for you is about the source of the donations. I know you're not subject to the proceeds of crime legislation, but if you were—which we will definitely look at.... The international work right now on identifying sources of financing focuses on the ultimate beneficial owner of an account. I say this because we know that Russia and all other money launderers hold bank accounts in every country under several shell companies, or even companies that appear legitimate. Therefore, what is your due diligence to look beyond the credit card holder?

• (1500)

Mr. Juan Benitez: Mr. Chair, first, we appreciate that our collaboration with authorities and our work in responsibly handling this unprecedented, fast-moving and complex fundraiser was recognized by the committee. Thank you for that. It continues to be our endeavour to be the most responsible platform. We appreciate the recognition.

I'd also like to remind the committee that the 88% of funds that we saw donated from Canada was on the GoFundMe platform, and we cannot comment on what might have happened on other platforms that sought to run this fundraiser after we shut it down.

Our fundraising diligence does focus first on the recipient of funds. As would be common in the financial services ecosystem,

that's where the so-called KYC, or "know your customer", checks and the greatest diligence occurs, to know who will be receiving the funds and who owns the accounts that the funds will be deposited in. To do that, we run a system of checks that GoFundMe employees do. We collaborate with our payment processors, who also perform diligence in their checks. We oftentimes use their tools to perform that diligence about the funds' recipients and the owners of those accounts. Then, of course, the banks themselves would also be verifying the identity and "allowance", let's say, of whoever owned those accounts to be on their platform and receive those funds.

On the donation side, donations can evolve quickly and rapidly. We do a risk-based review of donations based on the tools that we have—tools from third parties and our manual assessments that may happen. We progressively do those reviews based on the nature of the campaign. In this case, it was an unprecedented, fast-moving campaign with significant impacts, so we stepped up our donation reviews and proactively did that review of foreign sources. We feel comfortable with our policies and processes associated with those reviews.

Mrs. Sophie Chatel: Thank you for that answer.

With regard to the 88% of donations coming from Canada, was it enough for you to identify just the credit card holder and a bank account in Canada to satisfy yourself that they were Canadian, or did you take the extra step to look at who the bank account belonged to and whether it was from another bank account, and in which case whose account, all the way down through the chain?

• (1505)

Mr. Juan Benitez: Mr. Chair, I think the amount of diligence that happens is based on our assessment of risk for a certain person. As I mentioned, on scrubbing donations themselves, we do that on a risk-based approach to identify where the parties should be.

The general standard that we're aware of in the industry is reviewing the bank and the issuing bank of the payment information that's provided to us. No donations on the GoFundMe platform were anonymous. We have information provided from every donor. However, that information is subject to what is provided by the donor, so the most correct information to trace down is in fact the issuing bank of the actual payment instrument.

To go beyond that is substantial diligence and is quite complex, and in fact requires infrastructure and reliance on the banks themselves to have done that. I spoke earlier about multiple layers in the regulatory framework. That's where we would hope that ultimately the issuing bank of the credit card would be reviewing the owner of that card.

The Chair: Thank you. That's the time.

We are moving to the Bloc.

Monsieur Ste-Marie, you have up to six minutes.

[Translation]

Mr. Gabriel Ste-Marie (Joliette, BQ): Thank you, Mr. Chair.

I want to start by wishing everyone a happy St. Patrick's Day. I also want to let the chair know how much I like his festive tie. He is clearly wearing it with pride today.

My sincere thanks to the witnesses for being here. Not only were their opening statements informative, but so are their answers thus far.

My first questions are for Ms. Durdin.

Thank you for acknowledging our sisters and brothers in Ukraine. What they are going through is terrible.

You said in your opening statement that the government had briefed, and provided information to, the big banks—the ones in Toronto—before the credit unions. Is that correct?

[English]

Ms. Martha Durdin: Yes, it's our understanding that they did.

[Translation]

Mr. Gabriel Ste-Marie: Would you say the government treats credit unions differently from the big banks, putting credit unions at a disadvantage?

[English]

Ms. Martha Durdin: That's not always the case, but I would say generally that the government turns to whomever they regulate directly through OSFI, namely the financial institutions. As you know, most of the credit unions—except for two—are regulated provincially.

We tend to be a little bit behind in getting information. For example, with the Emergencies Act, credit unions were not given a heads-up. As I understand it from the CBA's testimony, they were given a heads-up ahead of time, while we were not. When the act was announced, we were scrambling to find out if we were part of it and if it applied to credit unions. It took us a little while to be able to get that information from the government.

[Translation]

Mr. Gabriel Ste-Marie: That tells me there was a lot of uncertainty.

The job of our committee is to examine, and report on, what was done. My understanding is that, in this case, the government certainly could have done better.

[English]

Ms. Martha Durdin: Yes.

[Translation]

Mr. Gabriel Ste-Marie: You said the government provided you with a briefing, which was attended by 600 institutions. That's unbelievable.

[English]

Ms. Martha Durdin: That's right.

[Translation]

Mr. Gabriel Ste-Marie: Did the representatives of the institutions get a chance to ask their questions? If each of the 600 representatives was given one minute for questions and answers, the meeting would have been endless.

Do I have that right? Was that the type of briefing you were given?

• (1510)

[English]

Mr. Michael Hatch (Vice-President, Government Relations, Canadian Credit Union Association): I can take that as well.

Ms. Martha Durdin: Finance held a briefing. We asked them if they would hold a briefing for our credit unions. We had 600 participants. There are 220-odd credit unions in Canada outside of Quebec, not counting Desjardins.

We had a lot of interest from the compliance people at the credit unions, the risk managers. There were many more people who attended this webinar than there are actual institutions.

It was not a free-for-all. The questions were managed through the chat, and we tried to respond to most of them during the presentation.

[Translation]

Mr. Gabriel Ste-Marie: Did you have something to add, Mr. Hatch?

[English]

Mr. Michael Hatch: Thank you.

I had the pleasure of moderating that discussion, and you're absolutely right—it's impossible to manage hundreds of questions in an hour. However, it became clear pretty quickly that most of the questions were under four or five broad categories, so we did our best to address as many of them as possible with our colleagues at Finance, who did a fantastic job on very short notice, and we're very appreciative of those efforts.

After the fact—it was on a Friday, if I remember correctly—early the following week, we were able to spend a few days looking at the questions, making sure we answered everything, and then we put together a Q-and-A document that we were able to share.

Most of the questions—though there were dozens, if not hundreds—were under a few broad categories that I think we were able to address during that session.

[Translation]

Mr. Gabriel Ste-Marie: Thank you for all the work you did.

What was your contact with the RCMP like?

We know that the RCMP sent the big banks a list of individuals whose accounts were to be frozen. Did the RCMP provide that list to all the credit unions in the same time frame?

[English]

Ms. Martha Durdin: Because of the number of credit unions, of course, as the association representing the credit unions, we worked directly with the RCMP. We managed those lists from the RCMP, put them on a secure site that we have and gave access to our credit unions to be able to pull those lists from the site.

[Translation]

Mr. Gabriel Ste-Marie: The RCMP was quite co-operative, then, and you didn't get the impression in your dealings with the force that it saw your institutions as less important than the big banks.

Is that right?

Mr. Michael Hatch: That's right.

Mr. Gabriel Ste-Marie: Okay. That's good to hear.

The Chair: Thank you, Mr. Ste-Marie.

Mr. Gabriel Ste-Marie: Thank you.

[English]

The Chair: Now we're moving to the NDP and MP Blaikie for up to six minutes.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you very much.

Just along those same lines—and I'm speaking to Ms. Durdin—credit unions provide a lot of banking services. We're glad that credit unions can still call the services they provide “banking services”, despite some of the debate over that with OSFI. Is there anything that distinguishes your banking services from the banking services of the larger banks from the point of view of the emergency measures orders, in the sense of whether it's any less important to communicate with credit unions in a timely manner than it is with banks?

Ms. Martha Durdin: Credit unions are a lot smaller than banks. Our market share is a lot smaller than that of the big six banks, obviously. However, we do have an important part to play. In provinces like Manitoba, almost half of the market share is with credit unions. We serve close to six million Canadians.

So, yes, that's a huge chunk of consumers in Canada who need to be treated the same way they would if they had their financial services delivered by one of the large banks.

Mr. Daniel Blaikie: As my colleague mentioned earlier, a big part of our job here is to look at how these special powers were used and to make recommendations about how that could be done better in the event that similar powers were invoked in the future.

I'm just wondering if you have any concrete recommendations either for the committee itself or that you believe we should consid-

er making to government about how they might roll out these kinds of measures in a better way in the unfortunate situation where these powers may have to be used again?

• (1515)

Ms. Martha Durdin: I mentioned a couple of things in my opening remarks. I think making sure that credit unions are at the table at the same time is an important one. I think there was work the government could have done to be more clear about who they were actually targeting. As you know, there was a lot of misinformation in the first days, things like whether, if an individual made a \$25 donation to the convoy, their accounts would be frozen and that kind of thing. It became clear over time, but it did take a few days for that to become clear.

Michael, I don't know if you want to add anything. Those are two that come to mind.

Mr. Michael Hatch: No, it bears repeating that in any such future situation, whenever the federal government has to pull the levers of the financial sector to accomplish its policy objectives—be it for the Emergencies Act or for the Canada emergency business account, the CEBA program, from the early days of the pandemic—that it think beyond six institutions and that it consult all members of the financial sector on an equal footing. That is to say not only federally regulated institutions, but also our sector.

Mr. Daniel Blaikie: Thank you very much.

Two things that have been part of the discussion so far deal with what requirements, if any, financial institutions had to notify clients whose accounts had been frozen, whether they under the authority of the emergency measures order or under some other authority, and what financial institutions were expected to do with that information or any potential flags on people's accounts that should have been frozen under the order.

Can you give us your thoughts on each of those things—whether there was any clear direction provided in either of those cases, either verbally or in writing, and, if not, whether you think clear direction on those matters would be useful?

Ms. Martha Durdin: No clear direction was given to us in writing or verbally, as I understand it, to alert any individuals whose accounts had been frozen. That was left to the discretion of the financial institution.

I think some clarity around that would probably be useful in the future so that across the country there would be an even application of that part of it. If it's left to the discretion of the individual financial institutions, I think they would probably all handle it differently.

Mr. Daniel Blaikie: On the matter of what to do now that the emergency order has expired, was any direction given verbally or in writing as to whether the information that financial institutions have ought to be destroyed, whether it could remain on a file, whether it could continue to inform how the financial institution relates to that individual, or whether it's appropriate to have it factor into a risk profile for future banking activities with that individual? Did your organizations receive any direction on that?

Ms. Martha Durdin: We did not.

Mr. Daniel Blaikie: Would you consider that kind of direction to be useful?

Ms. Martha Durdin: Financial institutions manage their own risk portfolios, and they have ways of flagging individuals or companies in their reporting to FINTRAC on whether there is a risk. In particular, credit unions understand the relationships with individuals and with companies, because they tend to be smaller organizations. I think some flexibility in that regard is probably what I would recommend.

Mr. Daniel Blaikie: Thank you.

The Chair: That's the time.

Thank you, MP Blaikie.

Members, we are moving to our second round of questions. We're starting with the Conservatives.

MP Chambers, you have the floor for five minutes.

Mr. Adam Chambers (Simcoe North, CPC): Thank you very much, Mr. Chair.

Welcome, witnesses. Thank you for appearing and for sharing your time and expertise with us this afternoon.

I'd like to start, following up on the questions of my colleagues Mr. Blaikie and Mr. Ste-Marie, with the credit unions. You mentioned that your members did, in fact, freeze accounts. Were there circumstances in which your members refused to freeze an account?

Ms. Martha Durdin: There were not as far as I know.

Mr. Adam Chambers: Thank you.

Perhaps you wouldn't mind double-checking that and getting back to us. There is some slight confusion as to whether that was a possibility or whether there was an obligation to do so. We'd be interested in knowing whether, upon receiving evidence from the RCMP, an institution did not freeze an account.

• (1520)

Ms. Martha Durdin: My understanding of the act is that the financial institution, upon receiving information from the RCMP, legally needed to comply and to freeze the account.

Mr. Adam Chambers: Right, and so your members would not have had a choice, then, would they have?

Ms. Martha Durdin: That's right.

Mr. Adam Chambers: That's correct.

Thank you.

You mentioned a couple of times that it wasn't clear at the beginning how narrowly or how broadly this act was to apply. Is that correct?

Ms. Martha Durdin: That's correct. Yes.

Mr. Adam Chambers: You did notice a material or a noticeable increase in withdrawal activity subsequent to the act.

Ms. Martha Durdin: I would say it's anecdotal. There was some activity of withdrawals.

Mr. Adam Chambers: Okay.

You're in the trust business. You're on the front lines dealing with clients. Obviously they need to trust you to hold their money. I feel that you're well suited to answer this question. Do you think there's been some erosion of trust between Canadians and government just after the act, or given how, maybe, confusing it was at the beginning, or with the miscommunication, whether intentional or not? How do you think that's impacted how people feel about their financial security?

Ms. Martha Durdin: Based on the fact that, speaking anecdotally, we saw some withdrawals.... I know that credit unions really had to answer a lot of questions from members about the circumstances under which the government can freeze accounts, because many Canadians were surprised that the government had that authority. I wouldn't make a broad statement, but I would certainly say that, for some, that was an issue.

Mr. Adam Chambers: Thank you very much.

I'll move to GiveSendGo. Has your company ever ignored a court order?

Ms. Kim Wilford: Thank you for the question.

I just want to correct you. We are GoFundMe; we are not GiveSendGo.

Mr. Adam Chambers: Pardon me. My apologies. Excuse that.

Ms. Kim Wilford: That's fine.

Mr. Chair, what I would say is no. We operate within all the laws of all the jurisdictions where we are. We would never ignore a court order, so no.

Mr. Adam Chambers: Right, and that's exactly what I would expect.

I guess what I'm getting at is had you been presented with a court order or the authorities had provided you with relevant jurisdictional requirements to freeze an account or take any action, it is conceivable that you would have complied. Is that correct?

Ms. Kim Wilford: That is correct. The facts and the circumstances of this case were so quickly evolving that once we had that credible, consistent information and we could see that the protest was turning in a way that violated our terms, we removed it from our platform. Certainly if we had some sort of court order, an injunction of any kind telling us that was occurring, we would have complied.

Mr. Adam Chambers: Thank you.

Do the campaigns that are active today all comply with your terms of use right now?

Ms. Kim Wilford: Mr. Chair, we have hundreds of thousands of campaigns. We are the world's largest and best-known social fundraising platform. All of our campaigns are required to comply with our terms of use, which clearly outline the permitted and prohibited conduct on the platform. When we become aware of issues through our reviews or through the help of the GoFundMe community, which can at any time report a fundraiser for any reason, we investigate all of those, and as circumstances change during the time that a campaign remains live on the platform, it may go from being within permissible use on our platform to not being, and at that point we will remove it.

Mr. Adam Chambers: Thank you.

You wouldn't have the capabilities to check that every single campaign on your platform would be compliant. Is that correct?

The Chair: Can you give us a very short answer, please?

Ms. Kim Wilford: In fact, we use a number of tools and technology to ensure to the best of our abilities that campaigns on our platform are within acceptable use.

The Chair: Thank you. That's the time, MP Chambers.

We are moving to the Liberals.

MP Dzerowicz, go ahead for five minutes, please.

• (1525)

Ms. Julie Dzerowicz (Davenport, Lib.): Thanks so much, Mr. Chair.

I want to thank all of the witnesses before us today. Thank you so much for your time. This is a very important meeting on the implications of the Emergencies Act, particularly the economic order measure. Thank you for being here with us today.

I just want to start off very quickly. I know that GoFundMe indicated that a high percentage of the donations that came in to them for the “trucker convoy”, which I'll put in quotes, came from Canadians. I do want to put on the record though, Mr. Chair—and I think it is important to do so—that according to a February 14 Toronto Star article, “Nearly 41 per cent of the more than \$10.7 million donated to the 'Freedom convoy' through an online fundraising site has come from the United States, leaked data suggests.” I think it is very important to put that on the record. We have found that sources have validated that, indeed, foreign investments have gone into the “freedom convoy”.

Hon. Ed Fast: On a point of order, Mr. Chair, Ms. Dzerowicz has purported to put evidence on the record. I hope that is not accepted as evidence, because quoting the Toronto Star is speculation; it's not evidence.

The Chair: Thank you, Mr. Fast. That's not a point of order.

Ms. Dzerowicz has the opportunity to make her comments freely. If she wants to cite where that evidence comes from, she can.

Hon. Ed Fast: I hope she does.

Ms. Julie Dzerowicz: Mr. Chair, I'm hoping you're not going to ding me for that non-point of order, but it looks as though Mr. Benitez might have something to respond to that.

Go ahead very quickly, Mr. Benitez, just because I'd like to go to Mr. Volpe.

Mr. Juan Benitez: Yes, thank you. I just want to quickly clarify that the statistics and numbers that we're quoting here are the facts of what we observed and processed through the GoFundMe platform. It may be that media reports—and I'm not familiar with this specific one—are related. You did mention leaked data. We had no leaked data on GoFundMe. That leaked data came from information run on a different platform that was not GoFundMe, so that data is not our data.

Ms. Julie Dzerowicz: No, and I'm sorry, Mr. Benitez, just in case you misheard me, I said it was GiveSendGo's leaked data. It

wasn't GoFundMe. If that did not come across clearly, I want to clarify that for the record. Thank you for that.

It was not you, and I was not disputing what you said, and I wasn't disputing your numbers at all. It was more another platform. I just wanted to leave with the public who might be listening that there is evidence that there was a foreign contribution into the “freedom convoy”.

I'll turn now to you, Mr. Volpe. You were very clear and articulate about the impact of the blockade of the Ambassador Bridge on the economy as well as workers. What damage did the blockades do to Canada's international reputation, and had they not been stopped through some measures like the Emergencies Act, what would the additional blockades or renewed blockades have done?

Mr. Flavio Volpe: The automotive industry in Canada is very integrated with the American industry, as \$50 million worth of auto parts cross the Ambassador Bridge every day, and about \$50 million come back in the other direction. The blockade stopped car-maker plants in Michigan, Ohio, Illinois, Kentucky and further afield in Tennessee.

At this time, Canada is currently negotiating with the United States on its electrification plan and where those federal investments and the critical mineral assets are sourced from. The blockade event at the bridge highlighted to American lawmakers that they are vulnerable to an interruption. Because of that, we are now debating publicly with Michigan-based lawmakers who introduced an original EV tax-credit plan that was to be “America only”, and the blockade has given them fuel for their arguments.

The industry that I represent is 120 years old in this country and it has built a continental spine that does not operate with the border as a risk. It is now part of that discussion.

Ms. Julie Dzerowicz: I'm not sure if you're able to answer this, but from your perspective, what was unusual about the blockade that you saw at the Ambassador Bridge? Was there anything unusual about it?

• (1530)

Mr. Flavio Volpe: First of all, it was publicly disavowed by the Canadian Trucking Alliance and the Ontario Trucking Association. All of the major logistics companies that our companies use, the bonded companies, have publicly expressed that they had a 100% vaccination policy for their drivers. Those drivers who did not get vaccinated were reassigned to intra-country shipments.

The people on that bridge self-identified as truckers, but that doesn't typically meet an evidentiary standard. By that measure, that protest could have been a shinny hockey protest, a restaurant worker protest or a Canadian Conservative Party protest—given that it was encouraged by those leaders—or participated in by people who come from different walks of life. None of that blockade was made using long-haul trucks or by organizations that are in long-haul trucking.

The Chair: Thank you.

Thank you, MP Dzerowicz. That's your time.

We are moving to the Bloc and MP Ste-Marie for two and a half minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Mr. Volpe, all the blockades took a great toll on the economy. I found your remarks particularly compelling. You said the blockades impacted even factories in the U.S. The consequences were awful.

A while ago, one of my fellow committee members said that the government had acted very quickly. What I saw, however, was a government that waited three weeks before doing anything, letting the situation deteriorate, so I disagree with her.

Do you think the government should have acted sooner, instead of waiting three weeks?

[English]

Mr. Flavio Volpe: It was our publicly expressed opinion at the beginning of the Ambassador Bridge blockade that there were existing laws that law enforcement on the ground could have enforced. Both the municipal and provincial law enforcement agencies that dealt with the roads leading to that bridge appeared paralyzed. We were in direct contact with officials at all three levels of government. We explored them.... We thought the Highway Traffic Act was in place and if it were enforced, it could have addressed this crisis right when it started.

After it closed the first day, we immediately went to court as lead plaintiff, joined by the City of Windsor, and then the attorney general's office in Ontario joined us as intervenors. I think this is a case study in what a one-day, two-day or three-day delay means in law enforcement. A delay in law enforcement of that time leads to a dynamic, but fragile, economy.

There are lessons to be learned by every single agency and level of government.

[Translation]

Mr. Gabriel Ste-Marie: Thank you for that very informative answer.

That means legislation was in place that would have allowed law enforcement to intervene. I gather that the political will was lacking. Let's hope it never happens again.

Thank you for your answers.

I think that's my time, Mr. Chair.

[English]

The Chair: Thank you, MP Ste-Marie. That's right on time.

We'll now move to the NDP.

MP Blaikie, you have two and a half minutes.

Mr. Daniel Blaikie: Thank you.

Mr. Benitez and Ms. Wilford, it seems to me that the consequence of GoFundMe shutting down the fundraiser on its platform is that the activity shifted to another crowdsourcing platform. That's

maybe lost business for GoFundMe. It's also GoFundMe successfully discharging a certain amount of risk in the business that it was doing with respect to that organization. But from a public interest point of view, it wasn't mission accomplished, because it meant that the activity that was a problem could continue.

I'm wondering if you have any reflections for the committee on the state of the crowdsource funding industry. I think we want to avoid a situation where good actors who are doing their due diligence are punished, or perceive themselves to be punished. The problem itself isn't being dealt with, but it means that somebody else is doing the work and getting paid to do work that arguably shouldn't be done.

I'm wondering if you have any comments for us on the nature of the industry and on whether some kind of additional regulation is required in order to make sure that we're rewarding good actors and not simply shifting business away from good actors and still having the same activities be supported by the crowdsourcing industry.

● (1535)

Ms. Kim Wilford: Thank you so much for that question.

You know, social fundraising is actually a relatively new phenomenon. GoFundMe was founded in 2010. Our mission is to help people help each other. Right now with the Ukraine crisis, we've raised, just since the invasion, over \$50 million from over 140 countries. As you say, it's wonderful how people can come together to help one another in times of need. We want to make sure we don't do anything here that would impact that.

At the same time, to your point, there aren't any existing laws or regulations, to my knowledge, that directly regulate peer-to-peer crowdfunding that's done on platforms. What we do see in other regions around the world is the regulation falling on the fundraiser organizer, the person who's actually responsible for soliciting the donations. In some jurisdictions, those individuals are required to get permits or government approval before they start fundraising. In other jurisdictions, like Singapore, we see voluntary codes of practice that their online fundraising platforms are asked to adhere to that outline best practices for protecting users; certain prevention against data leaks; privacy rights; early fraud detection, and things like that.

I'm really only aware of one country, and that's Romania right now, that puts regulations on the donors. It has to do with the amount of the donation. If you try to raise over \$200 U.S. on a [Technical difficulty—Editor] paperwork with the Romanian government and go through a different process. So [Technical difficulty—Editor] data privacy—

The Chair: Thank you for that. We are well over time.

Thank you, MP Blaikie.

We will now move to the Conservatives.

MP Lawrence, you have up to five minutes.

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): Thank you very much.

I'll start with you, Mr. Volpe. I was struck by some of your early testimony, where you stated that the vaccine mandate for truckers was causing some challenges. The reason is that I was just in Peterborough at a factory, and they stated to me that their cost of shipping had increased by five times. They ascribed that specifically to the Trudeau trucker vaccine mandate.

Has that affected your members?

Mr. Flavio Volpe: Certainly, the cost of trucking had gone up. We saw that it was around 10% to 15%.

I'd be curious to hear what they're actually shipping in Peterborough and who's shipping it. For volume suppliers who have the trucks picking up hundreds of thousands of dollars...a day, we're definitely seeing a linear relationship with the shortage of drivers—that's before the mandates—and the potential new shortage. We thought this number could have been about 20% in total.

We're also an integrated industry. That cost was the exact same on the other side of the border. In fact, Canada's new mandates were a reaction or a reflection of a similar American mandate.

Mr. Philip Lawrence: Thank you for that, Mr. Volpe. We did see a sizable increase in the cost due to the trucker mandate. Thank you for that.

I want to now turn briefly to GoFundMe and give you an opportunity to clarify the following. With respect, I think one of my colleagues was a little bit irresponsible in speculating about a Russian government connection. In your search and in the way that you review transactions, did you uncover any connection between the illegal protests or blockades and the Russian government?

Mr. Juan Benitez: Thank you for the question.

Mr. Chair, I'm glad that Ms. Wilford also referenced [*Technical difficulty—Editor*] where contributions may be negative. That said, there are tremendous amounts of foreign contributions that are very positive to campaigns. I believe over 80 countries contributed to the Humboldt Broncos campaign.

For this campaign, we did review the sources of donations extensively, given the size and impact of this campaign, as we said before, and 12% of the donations came from outside of Canada. There was virtually only perhaps a handful, at most, of donations from Russia. In our opinion, and from the evidence that we see, there was no coordinated effort there to have any kind of contribution or impact.

• (1540)

Mr. Philip Lawrence: Perfect.

Thank you very much for your testimony and for helping people across the world. We appreciate that.

Ms. Durdin, perhaps I will finish off with you. I think you were put in a very difficult situation, and I think many of your credit unions were.

The actual emergency measures act says that accounts could be frozen for any “designated” person. A designated person could include anyone who directly or indirectly supported.... As the Finance official said in testimony, even a \$50 donation might qualify.

You were put in a position, without instructions, to freeze accounts. I know my colleagues asked some questions, but I'm wondering if I could get a little bit more clarity on exactly what instructions you were given, when you were given them, and by whom you were given the instructions with respect to the freezing of your members' bank accounts.

Ms. Martha Durdin: Michael, do you want to take that question? You were on the front line of that more than I was.

Mr. Michael Hatch: Yes. It's difficult to go back and recall the minute by minute and the day by day in the heat of the crisis. The minister's office ultimately made it clear that credit unions were to be captured by the invocation of the Emergencies Act and the financial sector measures contained therein. It was also clear to us, as we said before, that the large banks, perhaps, had a few days' head start, not on the details but at least on the fact that something of this nature was coming.

I reviewed the testimony of the Bankers Association when they appeared at this committee. They indicated that while they knew a few days ahead of time that something of this nature was coming, they didn't get the details until the regulations were published publicly, which is when we all saw them. That was Wednesday or Thursday of that week. I don't remember the precise timing.

There was a good, I would say, 36- or 48-hour period in the middle of that week during which there was a great deal of confusion with regard to (a) whether or not this would apply and (b) the nature of that application.

Mr. Philip Lawrence: Mr. Chair, am I done?

The Chair: Yes, that's the five minutes.

Thank you, MP Lawrence.

Mr. Philip Lawrence: Thank you, Mr. Chair.

The Chair: We're moving to the Liberals. I have MP Baker up for five minutes.

Mr. Yvan Baker (Etobicoke Centre, Lib.): Thank you, Chair.

I'd like to thank all of our witnesses for being here today.

I'd like to say a few things, and then I'll ask a few questions.

First of all, I would like to thank you, Ms. Durdin, for what you said at the outset about the work that your credit union community is doing, especially the Ukrainian credit unions in Canada. Like our Chair, I have a Ukrainian credit union located in my riding. I have worked closely with the Ukrainian Credit Union and with the Buduchnist Credit Union over the years on a range of community initiatives, and one of the things that have always impressed me about credit unions, whether it be those two or others, is the extent to which they give back to their communities.

I would ask you to pass along my thanks to those two in particular, but to the others as well for what they do, not just from a financial service perspective but also for communities across Canada, especially mine in Etobicoke Centre.

The second thing I want to say is that you shared your solidarity with the people of Ukraine, and I know that feeling is unanimously shared among the MPs in the House of Commons. We've seen that repeatedly.

One of the things I want to ask of you and of our friends at GoFundMe is that we do all we can. As legislators we need to do what we can, but also I ask that private sector entities and players do all they can to show our solidarity not just with the people of Ukraine but with others who are fighting for their freedom and their democracy.

This isn't a question but is maybe just a request. As you go back from today's hearing, having heard some questions about the role of dark money and foreign money and money from Russia in particular, as well as other sources of those types of funds, I would just ask both of your organizations and the organizations you represent, Ms. Durdin, to think about what more we can do to make sure that those funds that are flowing, that are influencing and undermining a democracy or feeding misinformation or undermining our security or enabling what we are seeing right now in Ukraine get stopped. I know it's not easy. I know it's challenging but I just implore you that we live up to those words with our actions to the extent possible. That applies as well to us, as MPs, of course, but I would ask all of you to do the same, if I could, whether that's through your analytic tools or whether it's through innovative and entrepreneurial thinking.

One of the reasons those credit unions are working so hard to raise money for humanitarian causes and one of the reasons that GoFundMe has raised so much money right now for humanitarian causes is that this invasion has been enabled partly through the use of illicit funds around the world. We have plenty of evidence to show that.

I'm not pointing to specific money that's flowed to specific causes. I don't have those analytics, but I'm just saying in general that we know this is a problem and I'd just ask you to do your best. That's my request of you.

My question, Ms. Durdin, is really to you, about the indications of the Emergencies Act. One thing was a question about the notice given to people whose accounts were frozen. There is obviously a range of circumstances under which someone's account may be frozen—if they refuse to pay their taxes, for example, or if a financial institution notices something suspicious in their account. My understanding is that it's also standard procedure for a credit union or a bank or whatever the case may be to not necessarily notify a client whose account has been frozen under those circumstances. Is that correct? Am I wrong in understanding that?

Is notice immediately given? If not, for what reasons do financial institutions not immediately provide that notice?

• (1545)

Ms. Martha Durdin: I would have to say that under the circumstances of the Emergencies Act there wasn't a directive given to credit unions to notify when accounts were frozen.

I'd also like to clarify that if a credit union is suspicious about transactions, they don't freeze the account for that reason. They report it to FINTRAC. FINTRAC then takes whatever action it needs to with the RCMP, which would perhaps end up in a court order, and that's when a credit union would freeze an account.

The Emergencies Act overrode that, as you know, and made that court order unnecessary in these circumstances.

I can say that credit unions in a lot of cases—and again this is anecdotal, as I'd have to go back to get the information for you—did have conversations with their members on freezing their accounts. In fact, I saw a live-feed tweet in which someone whose account was frozen actually broadcasted the phone call from the credit union to announce that his account had been frozen, so he was notified.

It is at the discretion of the organization. I would say that credit unions have perhaps closer relationships with their members than some large financial institutions would have, and credit unions would have a conversation with their members.

Mr. Yvan Baker: Thank you.

The Chair: Thank you, MP Baker. That's the time.

Members, I'm looking at the time. We have approximately 12 minutes left. As we do when we have limited time in our final round, we will divide it equally. We're looking at about three minutes per party.

We'll start with the Conservatives.

MP Albas, you're up for three minutes.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Thank you, Mr. Chair.

Mr. Volpe, I'll start by saying happy birthday. I'm sorry you have to spend it with me. I wouldn't want to spend my birthday with me, but I have to.

I'd like to talk to you a little bit about the mandates and some of the experiences of your organization. Ultimately, the Windsor-Detroit bridge was cleared under provincial provisions, not federal. Is that correct?

Mr. Flavio Volpe: It was cleared under orders from an injunction that we sought in superior court in Windsor.

Mr. Dan Albas: So you went alongside with the City of Windsor, as well as the province, and then a court order was sought. You received that, and that's when the authorities came in. Is that correct?

Mr. Flavio Volpe: Sure. We went as the plaintiff, and then a day later the city and the province joined the injunction.

Mr. Dan Albas: Okay. That's fair enough.

You mentioned that there were existing authorities under the Highway Traffic Act enforcement. That's the Ontario legislation. Is that correct?

• (1550)

Mr. Flavio Volpe: Yes. It's the same act that says you can't park in the middle of the 401.

Mr. Dan Albas: Okay. All right.

You also mentioned earlier the “latest hurdle”. I'm referring to the mandates. Is your organization still opposed to the mandates in general?

Mr. Flavio Volpe: Well, I wasn't opposed to them. We said that we need to be sensitive that there would be a cost. I also said that we were willing to take that as the cost of doing business, but we needed to be sensitive to it.

Mr. Dan Albas: Okay. Was it more based on both the United States and Canada having their own rules on it, which was going to cause some issues with logistics, etc., and just the extra costs?

Mr. Flavio Volpe: Yes. What will end up happening is that if you have fewer drivers, 20% fewer drivers, then the cost of those drivers.... As I said publicly, auto parts suppliers would have to out-bid pork producers or other shippers at the time. That drove up the price for sure.

Mr. Dan Albas: Yes. So with your comments that you need to be cautious and flexible, it was just that you understood the reality that the governments were regulating in this case, but it wasn't.... Truckers for the most part had two years where essentially they were doing all the work, crossing from both countries, without a mandate.

Mr. Flavio Volpe: Correct. Yes.

Mr. Dan Albas: Thank you very much for that.

I'll move over just briefly to the credit union.

Ms. Durdin, thank you for the work that you and Michael do. I have a quick question regarding the treatment of credit unions. I want to reiterate what some of my colleagues have said, that it seemed that during this pandemic, and even to today, the credit unions seemed to be left out. You were left out of the Canada emergency business account. It took several weeks for your members to get in on that. Again, it seems to be the same process here.

Is it a structural thing in Ottawa that credit unions are not given the same access to departmental officials? What's your view on this?

The Chair: Please give a quick answer.

Ms. Martha Durdin: I think it's just that the government doesn't automatically think of credit unions. We seem to be an afterthought, in many cases. We do have good access to Finance officials, but we have to be the instigators. We have to be the ones knocking at the door.

The Chair: Thank you, MP Albas.

We're moving to the Liberals.

MP Chatel, you have three minutes, please.

Mrs. Sophie Chatel: Thank you very much, Mr. Chair.

Look, disinformation warfare is absolutely real. There's no doubt in our minds. It entices people to donate to causes that are harmful to our democracy. My Conservative colleague is at best very naive to think that misinformation to undermine democracy does not exist, especially from people now noticeably repeating Russian propaganda.

Ms. Wilford, you started to give a very good answer to the question my colleague Mr. Blaikie asked you earlier. We are all aware of the issues and the dangers and risks caused by the illicit financing and use of money. We want to make sure that those platforms are indeed used for good causes.

What especially are your recommendations for us to ensure the integrity of those platforms and the use of the money being raised? You were starting to quote certain foreign legislation that perhaps are ahead of us in ensuring such integrity. Would you please continue to enlighten us on those practices?

Ms. Kim Wilford: I wish I were the sort of expert that you may think I am. I am pretty well versed in the regulations in the jurisdictions where we operate and other markets where we decide to go, and where our donors are coming from.

What I was trying to say last time is that there are a number of laws right now protecting users and the platforms. You have everything from privacy and data security to consumer protection regulations. Our payment processors and the banks are all bound by their own financial regulations. They report to FINTRAC, as we know. They report to FinCEN in the U.S. There are a number of regulations that exist.

At the same time, we're always trying to provide the safest and most secure experience for our users. We believe that being a responsible platform helps them understand some of the laws that are in the existing jurisdictions where they are donating from.

As I was saying, in some jurisdictions, we see that fundraising for charity is quite regulated. We see that you need to go to the government to get a permit to do that in places like Australia, Denmark and Finland. We see in Singapore that they have this voluntary code of best practices where they look for the online platforms to sign up to, and then the platform puts that on their website as a badge of honour. We comply and they get audited by the government, so that the users and citizens can feel like the checks and balances are in place.

As I was saying, Romania is really the only one I'm aware of—but that doesn't mean that others don't exist—where they limit the donation amounts. They're looking to regulate the donor. The issue is that—

• (1555)

The Chair: Thank you. I apologize, but that is the time we have.

We are moving to the Bloc and MP Ste-Marie for up to three minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

My question is for Ms. Durdin and Mr. Hatch.

Did your member credit unions freeze only the accounts of individuals whose names were on the RCMP's list, or did they freeze other accounts as well?

[English]

Ms. Martha Durdin: My understanding is that they follow and are very closely aligned with the list provided by the RCMP.

[Translation]

Mr. Gabriel Ste-Marie: I see. Thank you.

When I read the orders that were made to enforce the Emergencies Act, my sense is that they were drafted in a very vague and broad manner, particularly when it comes to the guidance for financial institutions.

Finance officials told the committee that the department did not provide you with rules or details in writing; the information was provided only verbally.

After reading the orders, I wondered how institutions were supposed to handle joint accounts. I wondered what would happen to child support and rent payments coming out of the accounts in question. Those are just two examples to illustrate a much broader issue.

Was the department's failure to provide clear written guidance a problem for you?

[English]

Ms. Martha Durdin: Because it happened so quickly—the Emergencies Act was put in place on February 15 and it was revoked on February 23—those kinds of issues would probably just be starting to arise. Had it been further extended, they would have had to address those particular issues, but they became a moot point because it was withdrawn.

[Translation]

Mr. Gabriel Ste-Marie: Thank you.

Did you have something to add, Mr. Hatch?

[English]

Mr. Michael Hatch: Yes. Thank you.

Very briefly, some of those technical questions with regard to joint accounts and other types of accounts were raised in the briefing session on the Friday with Finance. They did a good job of answering them. While answers were not provided in writing, they were provided verbally.

Ultimately, the fact that only 10 accounts across our entire sector were frozen speaks to the fact that this was obviously very targeted. The freezing of accounts is a very serious matter that our members take very seriously. It was intended to be targeted by the government and by our members.

[Translation]

Mr. Gabriel Ste-Marie: Very well. Thank you.

I'm out of time, Mr. Chair.

[English]

The Chair: Thank you, MP Ste-Marie.

We're moving to the NDP and MP Blaikie. You will be our last committee member to ask questions in this session.

Mr. Daniel Blaikie: Thank you very much.

I'd like to go back to Ms. Wilford.

I'm curious. Coming out of this experience we have lived here in Canada and the use of the Emergencies Act, have you identified any shortcomings in the Canadian regulatory framework, at least from your perspective? Are there any recommendations that you would have for us to consider as a committee, or recommendations that you think we should consider making to the government concerning your industry?

This is particularly when issues like the kind we saw—national security issues and others—come to light and the government develops concerns. Are there any regulations or directions that you think we should consider recommending to the government?

● (1600)

Mr. Juan Benitez: Thank you.

I'll start with that question.

Mr. Chair, at GoFundMe we're experts in social fundraising. We are not public policy experts. We would welcome the opportunity to contribute our expertise about what we observe on our platform, our policies and our procedures and how we police our platform and regulate it, as we talked about today, and on how that can influence the regulation. We believe that would be a collaborative discussion, given that we would need to work more closely with all of you, who are the public policy experts.

Mr. Daniel Blaikie: Are there no concerns for you coming out of Canadians' experience and how it happened?

Mr. Juan Benitez: Certainly we are continually evolving our platform, our policies, our tools and our procedures. I believe we improve month by month—and we need to because the use of platforms and the Internet and collaboration, and, frankly, the crises in the world that cause people to look to assist communities and to help others via GoFundMe are always evolving and changing.

In this case, we look back at the timeline of the events, the complexity of the fundraiser, the rapid evolution of the fundraiser organizer and the people involved, and we feel comfortable about our actions. We believe that our proactive engagement with local law enforcement was appropriate. With our termination of the fundraiser 10 or 11 days before the Emergencies Act was invoked, we feel comfortable with our actions in all of that. We believe that our policies and procedures stood this test, and we'll continue to evolve and improve them over time.

Mr. Daniel Blaikie: And you have no concern about competing with other actors in this space who don't share the same standards?

Ms. Kim Wilford: I would just say that as the most recognized platform, we're the most responsible one. We operate within the law and, in many cases, above the law. We hope that's one reason among many that we stand out and that people around the world use us to come together and help each other.

As my colleague said, as you look to figure out ways to address what occurred, we would welcome the opportunity to collaborate with you and discuss different sorts of regulations or controls that can be put in place to ensure that we continue to provide the safest and most secure environment for our users and everyone who wants to come together to help each other in the world.

We want to make sure that we don't thwart the good that happens. I think that's been recognized just in the outpouring of support we see for Ukraine. We saw it for Afghanistan. We see it for climate disasters that occur all over the world. Online fundraising is actually a really beautiful thing, and there is a ton of a regulations already in place to protect the users. Certainly if the government and this committee wished to have further collaboration, we would welcome that opportunity.

Mr. Daniel Blaikie: Thank you very much for your testimony.

The Chair: Thank you for that.

Thank you, MP Blaikie.

On behalf of all the members of the committee, the clerk, the interpreters and the staff, we want to thank our excellent witnesses.

Thank you for your remarks, your testimony and your answers to our many questions to help inform our Emergencies Act study.

Thank you, everyone, also for joining us here on St. Patrick's Day and Flavio Volpe's birthday.

Mr. Flavio Volpe: Thank you.

Ms. Martha Durdin: Thank you, Mr. Chair.

Mr. Michael Hatch: Thank you.

Mr. Philip Lawrence: Happy birthday!

Ms. Kim Wilford: Thank you, everyone, and happy birthday!

The Chair: Members, I will now suspend to go into the in camera portion of the meeting. Members will need to leave this Zoom meeting and join the second Zoom meeting with a different link. Both links can be found on the email the clerk sent earlier today.

I'm looking to see if there are any questions from members before we suspend and move to our in camera session.

No?

Okay.

I will see you on the other side.

[Proceedings continue in camera]

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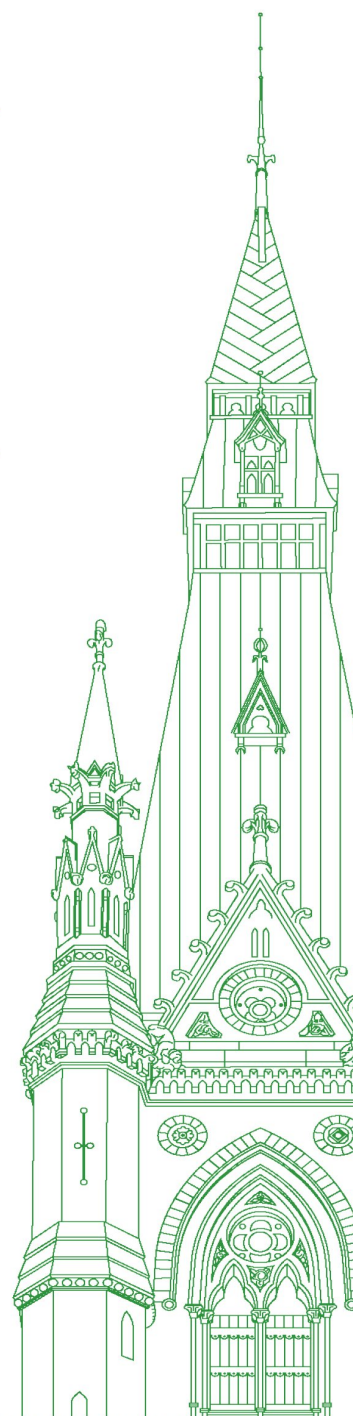
Standing Committee on Public Safety and National Security

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Thursday, March 3, 2022

Chair: The Honourable Jim Carr



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● (1100)

[English]

The Chair (Hon. Jim Carr (Winnipeg South Centre, Lib.)):
Good morning, colleagues. I call this meeting to order.

Welcome to meeting number 12 of the House of Commons Standing Committee on Public Safety and National Security. Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely, using the Zoom application.

Members and witnesses participating virtually may speak in the official language of their choice. You have the choice at the bottom of your screen of the floor, English or French. With regard to a speaking list, the committee clerk will advise the chair on whose hands are up, to the best of his ability, and we will do the best we can to maintain consolidated order of speaking for all members, whether they are participating virtually or in person.

Pursuant to Standing Order 108(2) and the motions adopted by the committee on Thursday, February 3, 2022, and Thursday, February 17, 2022, the committee is resuming its study of crowd-funding platforms and extremism financing, and commencing its study of the rise of ideologically motivated violent extremism in Canada.

With us today by video conference, we have Juan Benitez, president, and Kim Wilford, general counsel, from GoFundMe. From Paypal Canada, we have Kevin Pearce, chief compliance officer. From Stripe, we have Katherine M. Carroll, global head of public policy, and Gerald Tsai, head of compliance.

Up to five minutes will be given for opening remarks, after which we will proceed with rounds of questions.

Welcome to you all.

I now invite Mr. Benitez to make an opening statement of up to five minutes. The floor is yours.

Mr. Juan Benitez (President, GoFundMe): Good morning, Mr. Chair and members of the committee. It is our pleasure to join you all today to discuss important matters related to the “freedom convoy” fundraiser and social fundraising in Canada.

My name is Juan Benitez, and I am the president of GoFundMe. I am joined by Kim Wilford, GoFundMe's general counsel.

On behalf of everyone at GoFundMe, we want to acknowledge the impact of the “freedom convoy” on the citizens of Canada, in particular the residents of Ottawa and each of you.

GoFundMe is the world's most recognized and most trusted fundraising platform. Our mission is to help people help each other, with a goal of being the most helpful place in the world. We are humbled that GoFundMe has become a noun that is synonymous with receiving help and assisting communities. That impact is far-reaching, as we have delivered over \$17 billion in assistance to communities in 19 countries since the company began over a decade ago.

In Canada, we are delivering well over \$200 million in community assistance each year, including for significant events, such as the Humboldt Broncos fundraiser in 2018 that raised over \$15 million, as well as the hundreds of campaigns that help friends and family members with their needs and dreams every day.

GoFundMe aspires to be the benchmark for responsible operations in the social fundraising industry. Over 80 of our 400 employees are dedicated to policy creation and enforcement, data privacy, information security, regulatory compliance, sanction screening, and prevention of payment fraud, financial crimes and money laundering. We employ industry experts and consider ourselves to be an innovator in these areas.

Our decisions and policies are guided by our terms of service, which are posted publicly and outline what is permissible and what is prohibited on our platform. Fundraising campaigns relating to misinformation, hate speech, violence and more are prohibited by our terms of service.

Before we provide a timeline of events for the “freedom convoy” fundraiser, I would like to thank Ottawa authorities, notably interim police Chief Bell, Mayor Watson, and their teams for their collaboration and transparency. Their partnership was essential for our teams to understand what was happening so we could make the best possible decisions relative to our policies.

The “freedom convoy” fundraiser was created on January 14. We began actively monitoring it the next day based on significant fundraiser activity. Our initial analysis concluded that the fundraiser was within our terms of service and could remain active. On January 27, we processed a withdrawal of \$1 million to the financial institution of the “freedom convoy” fundraiser organizer.

Following this disbursement, public statements from the fundraiser organizer began to shift in tone, and on February 2, we suspended the fundraiser. This effectively meant that all future donations and withdrawals were paused.

From February 2 through February 4, we heard from local authorities that what had begun as a peaceful movement had shifted into something else. They shared reports of violence and threatening behaviour by individuals associated with this movement. We also commenced a review of where donations were coming from. Our records showed that 88% of donated funds originated in Canada and 86% of donors were from Canada.

On February 4, following concerning dialogue with the fundraiser organizer and her team, as well as continued updates of escalating violence and disruption from local authorities, it became clear that the fundraiser no longer complied with our terms of service. We removed the fundraiser from our platform and provided donors with the option to request a refund or, consistent with the fundraiser organizer's statements, have their donations delivered to credible and established charities chosen by the fundraiser organizer and verified by GoFundMe.

As of February 5, all refunds were initiated by our payment processing partner, including all transaction processing fees and tips, and those funds were returned to donors in the subsequent days.

Please note that there are multiple layers in the regulatory framework surrounding social fundraising via GoFundMe. All donations are processed, held, and paid out by our payment processing partners. GoFundMe does not directly interact with or hold any funds collected from donors, nor are we able to redirect those funds to ourselves.

I previously outlined the investments that we make at GoFundMe for trust, safety and compliance. That is the first layer. The second layer comes from similar functions implemented by our payment processors. Finally, our payment processors also rely on banks, card networks and their associated regulatory requirements.

In summary, we believe that responsible action is core to social fundraising. We proactively invest in the relevant processes, staff and tools to be the industry leader in this area. The "freedom convoy" fundraiser was unique. We support peaceful protests, provided they are within our terms of service.

• (1105)

While there will always be opportunities to learn and improve, we hope the committee acknowledges the responsible actions we took in close consultation with local authorities.

We look forward to continuing our assistance to Canadian communities, and we look forward to the committee's questions.

Thank you.

The Chair: Thank you very much, Mr. Benitez.

I now invite Mr. Pearce to give an opening statement of up to five minutes. The floor is yours, sir.

Mr. Kevin Pearce (Chief Compliance Officer, PayPal Canada): Good morning.

Thank you, Mr. Chair, and committee members.

My name is Kevin Pearce. I am the chief compliance officer for PayPal Canada. In my role, I'm responsible for the implementation and oversight of our various compliance programs, designed to meet our risk and regulatory obligations in Canada.

I thank you for the opportunity to appear here today.

PayPal has remained at the forefront of the digital payment revolution for more than 20 years, growing into a two-sided network that connects consumers and merchants in more than 200 markets around the world. PayPal operates an open, secure and technology-agnostic payments platform that businesses use to transact with their customers online, in stores and on mobile devices. Through a combination of technological innovation and strategic partnerships, PayPal creates better ways for our 426 million active account holders around the globe to manage and move money, and offers choice and flexibility when sending payments or getting paid.

As a trusted and responsible payment service provider, we have developed stringent internal controls, policies and procedures for the purpose of complying with laws in Canada and other jurisdictions in which we operate. PayPal Canada is a registered money services business, both federally with FINTRAC and provincially, within Quebec, with Revenu Québec. As a registered reporting entity under the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, we are required to monitor transactions on our platform and to submit suspicious transaction reports to FINTRAC. In addition, we're also required to submit international electronic funds transfer reports to FINTRAC for EFTs sent or received internationally. These are all obligations that we had prior to the declaration of the public order under the Emergencies Act and that we continue to have, even after its revocation.

PayPal Canada is also subject to numerous laws of general application at both the federal and provincial levels. Further, we anticipate having to register with the Bank of Canada as a payment service provider under the newly enacted Retail Payment Activities Act.

PayPal's global compliance organization is comprised of centres of excellence located around the world, which fulfill multiple enterprise risk management functions, including our "know your customer" responsibilities, suspicious transaction monitoring, regulatory filings and privacy. These centres of excellence are managed by and staffed with compliance professionals who have expertise in their respective fields and are exposed to the regulatory regimes across the markets in which we operate.

As it relates to the committee's interest in how crowdfunding was used in the recent protests in Canada, I would like to clarify that PayPal does not process payments for GiveSendGo and we did not process payments for the GoFundMe campaign set up to support this protest.

Nevertheless, we work hard to combat the use of our platform and services to promote hate, violence and other forms of intolerance. We carefully review account activity to ensure our services are used in accordance with the strict guidelines established in our terms and conditions, including our acceptable use policy.

PayPal has a long-standing, well-defined and robust acceptable use policy, which states that "You may not use the PayPal service to violate any law, statute, ordinance or regulation" or "for activities that relate to transactions involving the promotion of hate, violence, racial or other forms of intolerance that is discriminatory".

Over many years, we have developed sophisticated systems and a global governance, risk management and compliance framework to help detect and prevent illegal activity and payment flows on our platform. When we become aware of an individual, a website or an organization using our services in a way that violates our policies or applicable laws, we take action. Our highly trained team of experts addresses each case individually and carefully evaluates the user's website, the associated organizations and their adherence to our terms and conditions. When a customer violates our terms, we may limit access to funds or part ways with the offending customer altogether, as may be appropriate.

PayPal engages with law enforcement proactively and reactively to help deter and prevent potential illegal activities on our platform, and aids in identifying bad actors who have used our platform for illegal purposes. Our ability to identify suspicious payments quickly is a key distinction from cash-based payment systems.

We at PayPal take our responsibilities to our customers and our regulators very seriously, and we're committed to working with governments, law enforcement, intelligence agencies and the financial industry to ensure financial platforms like ours are not used or exploited to promote or fund hate and extremist activities.

Mr. Chair, that concludes my remarks. I welcome questions.

Thank you for the time today.

• (1110)

The Chair: Thank you very much.

Now I would call upon Ms. Carroll from Stripe to give us a five-minute introduction and tell us her role, and we'll then move on to questions.

The floor is yours, Ms. Carroll.

Ms. Katherine M. Carroll (Global Head of Public Policy, Stripe): Thanks very much. Good morning, Chair and members of the committee.

My name is Katherine Carroll. I'm the global head of public policy at Stripe. I'm joined today by Gerald Tsai, Stripe's head of compliance.

We appreciate the important work this committee is doing and the opportunity to participate in this study.

By way of background, Stripe is a technology company that builds economic infrastructure for the Internet. Businesses of every size from small start-ups to public companies use our technology and tools to accept payments and manage their businesses online. Our products are used by businesses in more than 50 countries. We are regulated in jurisdictions around the world based on the products and services we offer in those jurisdictions. Agencies that supervise our regulated operations include the Central Bank of Ireland, the U.K. Financial Conduct Authority, FinCEN and the New York Department of Financial Services, among many others.

Stripe has a strong commitment to compliance with the laws and regulations where we operate. We have invested in building a best-in-class global program to comply with our regulatory obligations including "know your customer" and anti-money laundering regulations, sanctions rules, capital liquidity standards and data privacy rules. We also have advanced systems to analyze transaction flow, detect and prevent fraud, monitor for financial crimes, and protect our users against bad actors.

In addition to complying with our own legal obligations, we work with and operate within parameters set by our financial firms, including regulated financial institutions and card networks that have their own regulatory obligations and rules.

Stripe has operated in Canada since 2012 and opened our offices in Toronto just this week. We have served nearly 430,000 businesses in Canada. During the pandemic, we have worked to enable thousands of Canadian companies, large and small, to adapt and build online businesses.

Our Canadian operations focus on payment processing, enabling merchants to accept online payments. We also offer certain ancillary services and software to businesses, such as fraud detection and calculation of taxes. As is the case in many jurisdictions, payment processing services in Canada have not typically required registration. Payment processing is generally treated differently from, for example, providing money transmission or banking services.

Given the limited scope of our activities, we have therefore historically not been required to register with FINTRAC. Nonetheless, our payment processing activities in Canada are subject to robust global risk management and compliance policies and procedures as well as the requirements of our regulated bank partners.

Two weeks ago, pursuant to the Emergencies Act, we completed the preregistration process with FINTRAC. We have been in active communication with FINTRAC and stand ready to co-operate and comply with any permanent regulatory changes that are adopted whether through new legislation or in connection with implementation of the Retail Payments Activities Act. We've been actively engaged in the government's consultations on how payment processors such as Stripe should be regulated under that act, including as a member of the Bank of Canada's Retail Payments Advisory Committee.

Stripe provides payment processing services to a number of crowdfunding platforms, enabling them to accept payments through the major card networks. As with any activity on Stripe, fundraising campaigns are subject to information collection requirements with respect to the campaign organizer, screening for sanctioned parties, and other risk management and fraud controls. We take seriously our role as payments infrastructure and work alongside bank partners, card networks and platforms to ensure that users have proper controls in place.

Over the last few weeks as events unfolded in Ottawa and elsewhere in Canada, hundreds of our employees have worked closely with our financial institution partners and regulators to monitor activity, share information and comply promptly with court orders and other emergency measures. We continue to adhere to the government's and Canadian courts' determinations of which activities are lawful and when activities or assets should be restricted. We've been careful in this process to uphold our responsibilities and adhere to the law while also minimizing errors that would have cut off Canadians from the financial system.

Thank you again for the opportunity to be a part of this important discussion. We look forward to your questions.

• (1115)

The Chair: Thank you very much, Ms. Carroll.

That completes our round of opening statements. Now we move to members' questions.

To lead us off in the first round, I would like to call on Mr. Lloyd.

Sir, you have six minutes. The floor is yours.

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): Thank you, Mr. Chair.

My first question is going to be for Mr. Benitez from GoFundMe.

The Minister of Public Safety stated in question period on February 8 the following:

Any funds that would go toward undermining public safety, national security or indeed our democracy will be taken with the utmost seriousness by our law enforcement as well as our intelligence community.

He also stated:

We all need to be seized with the landscape as it exists around foreign interference, and any funds that may be used to undermine public safety.

Mr. Benitez, when did the Government of Canada reach out to GoFundMe to ask about the funding that was going to the convoy?

Mr. Juan Benitez: Mr. Chair, I'd like to begin by reiterating that we were very fortunate and very happy to be engaged with local law enforcement and local authorities as we were understanding the facts and circumstance of what was happening on the ground in Ottawa.

This was very influential in our decision-making in assessing how to assess the “freedom convoy” campaign relative to our terms of service. Our communication and engagement was with those local authorities and local law enforcement.

Mr. Dane Lloyd: My question was, when did the Government of Canada reach out to you?

Mr. Juan Benitez: We were not specifically reached out to by the Government of Canada.

Mr. Dane Lloyd: The minister is stating here that this is an issue of the utmost seriousness and that he was seized by this issue, yet the Government of Canada never reached out to your organization.

Is that correct?

• (1120)

Mr. Juan Benitez: Our interaction was with the local law enforcement and local authorities. We did not receive outreach from the federal government.

Mr. Dane Lloyd: Did those local authorities reach out to you or did you proactively reach out to them?

Mr. Juan Benitez: We saw the statements on public media and social media from the local law enforcement and local authorities. Based on that, we began direct outreach to them to ensure that we were fully apprised of the facts and circumstances on the ground and the real-time information that was developing around the “freedom convoy”.

Mr. Dane Lloyd: To summarize what you're saying, no law enforcement, nor the Government of Canada, proactively reached out to you. The Government of Canada never reached out to you with concerns about the “freedom convoy” funding. It was you who reached out proactively to local law enforcement after you identified that there could be some issues.

Is that correct?

Mr. Juan Benitez: Across all of our campaigns and activities on our platform, yes, we have frequent engagements with local and federal law authorities. In this case, what you just summarized was correct for this campaign.

Mr. Dane Lloyd: Can you clarify whether GoFundMe actually handles any of the money or is that handled through your payment processors, like Stripe?

Mr. Juan Benitez: Mr. Chair, as I mentioned in my opening statement, the funds are not held by GoFundMe. Donations to campaigns are processed by our payment processing partners. They are stored in accounts related to our campaigns that are managed by those payment processing partners. They are the ones who are disbursing funds in consultation with us to the recipients of the campaigns.

Mr. Dane Lloyd: Thank you.

Did you ever identify if anyone who donated through GoFundMe was on a terrorist watch list in the United States, Canada or anywhere around the world or if there were any sort of organized crime elements? Have you identified any of those people who raised money for the convoy? Did that happen, as far as you know?

Mr. Juan Benitez: Mr. Chair, we do extensive analysis on the activities that are happening on our platform. In fact, as it is our goal to be the most trusted platform in social fundraising, we actually believe that we operate in such screenings above and beyond what the regulatory climate requires of us. We do extensive screening, including KYC, or know your customer, for recipients who are going to receive funds from GoFundMe via our payment processing partner.

We also do screening of donors on our platform, based on the donation information they provide to us and also information that we can gather about them from our third party tools and consultation with our payment processing partners.

Mr. Dane Lloyd: You didn't identify any problematic people donating to the convoy. If you had identified those people, you would have stopped it.

Is that correct?

Mr. Juan Benitez: That's correct. If we were aware that there was something like that occurring, those folks are not welcome to participate on our platform and those activities would have been prohibited and we would have filtered that out. Any content that we believe is in violation of our terms of service is removed from our platform, whether that's a fundraiser or whether we believe it is an inappropriate donation.

In this campaign, as part of our normal filtration activity, our tools did flag some behaviour that we deemed unacceptable and we did remove some donations.

Mr. Dane Lloyd: We've heard a lot of rhetoric in Parliament about foreign financing, that this was a foreign-funded campaign to undermine Canada's national security. But we've seen numbers from you guys that say 88% of the donors were Canadians. Can you give us a little more colour on that information?

Mr. Juan Benitez: Yes. Thank you for the question.

Mr. Chair, as I mentioned in my opening comments, our records here at GoFundMe show that 88% of donated funds to the "freedom convoy" campaign originated in Canada, and 86% of the donors were from Canada. That information is based on the best information we have available to ourselves based on hard data, and also in consultation with the information we're able to gather in partnership with our payment processing partners. In fact, a large amount of that determination is based on credit card information—

The Chair: You'll have to wrap up, please. You have five seconds.

Mr. Juan Benitez: —and the....

I'll stop there.

Mr. Dane Lloyd: Thank you.

The Chair: Thank you very much.

I would like to move to Mr. Noormohamed.

Sir, you have a six-minute slot. The floor is yours.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Benitez. I very much appreciate your comments.

You've noted on a couple of occasions that your platform does not allow for campaigns that do anything to fund hate and so on and so forth, as per your terms of service. You said, "content that reflects or promotes behavior...to be an abuse of power or in support of hate, violence, harassment, bullying, discrimination, terrorism, or intolerance of any kind relating to race, ethnicity, national origin", etc.

You also noted that the fundraiser was created on January 14 and that on the 27th you processed a withdrawal of \$1 million to the organizers. A lot of information that was in the public domain indicated that the organizers had ties to the yellow vest movement and the anti-Muslim Clarion Project, and had already by this point made substantial comments on the public record that would be cause for alarm, as per your own terms of service.

Knowing that this was already in the public domain, was it that your systems failed such that you allowed that million-dollar withdrawal to be made, was it the systems were not able to catch what happened, or was it that you did not deem that behaviour as being one of the many categories you articulated?

• (1125)

Ms. Kim Wilford (General Counsel, GoFundMe): Thank you for that question. If you don't mind, I'll provide the answer to this.

Mr. Chair, we would say in response that when the fundraiser was created on January 14, it complied with our terms of service. There was nothing in the diligence we did on the campaign organizer that suggested there were any issues. The campaign caught our attention because of the donation velocity. At that point, on the 15th, we reached out to the campaign organizer and started working with her to understand the distribution of those funds. We received a detailed letter of attestation from her that outlined a plan for how she would distribute any funds to truckers involved in the convoy. It also had her stating that registered charities chosen by her and verified by GoFundMe would receive any leftover amounts. We—

Mr. Taleeb Noormohamed: Sorry. You said that you go through a diligence process. Surely your diligence involves doing some background research on the person who is the recipient of something like \$1 million.

Ms. Kim Wilford: Mr. Chair, we did diligence on the campaign organizer when the campaign started. Our discussions with her at that time were constructive. As the situation changed, we reached out and received credible, consistent information from members of law enforcement and members of the mayor's office. We heard that there were issues around violence, harassment and damage.

At that point, we reassessed the campaign. We removed it from our platform on February 4 and refunded all the donors all amounts, plus transaction fees and any tips that we had received.

Mr. Taleeb Noormohamed: I appreciate what you did do at that point. I guess my question for you is this: Had you known that the organizer had been previously linked to organizations or movements that had promoted “hate, violence, harassment, bullying, discrimination...intolerance of any kind related to race, ethnicity, national origin, religious affiliation”, etc., would you have allowed that person to set up a GoFundMe campaign?

Ms. Kim Wilford: If at the time of setting up the campaign, it had anything to do with the promotion of hate, violence, discrimination, harassment, etc., it would have been a violation of our terms of service and we would not have allowed it to continue.

Mr. Taleeb Noormohamed: But that's not what I'm asking you. You said you do a diligence process on the individuals involved. If the individual had been involved in those activities prior to this, would they be allowed to set up a fundraiser on your platform?

Mr. Juan Benitez: Mr. Chair, if I may, I'd like to remind the committee that this group of fundraisers, and this fundraiser as a whole, was—and I believe we can all agree—an unprecedented event, in terms of the scale in which it evolved, the pace at which it evolved, the centralized nature of it and the complexity of the participants who were involved in the fundraiser.

When the fundraiser was created on our platform, as Ms. Wilford said, we were focused on KYC and understanding the fundraiser organizer herself—that individual. Over time, we began doing more extensive analyses on additional parties. It is sometimes not necessarily within our purview everything that anyone has ever commented on in social media and in their lives. Based on the information accessible to us at that time, in that portion of January, the fundraiser was within our terms of service. As a result, we deemed it—based on the information that Ms. Wilford also outlined—sufficient to be able to disburse those funds.

Of course, subsequent to that, things immediately and very rapidly changed. Communication changed. Information on the facts changed. The convoy itself changed. We responded to those changes, and we believe that was the appropriate action.

● (1130)

Mr. Taleeb Noormohamed: What would you do differently now, knowing that your diligence failed to pick up on very clear, questionable, hateful comments, and other types of comments by one of the organizers of the fundraiser? Your platform allowed these individuals to set up these campaigns. If you were to look back now and think about what you might do differently, what would you change in your diligence process to prevent this from occurring in the future?

The Chair: Sorry, you have just 15 seconds.

Ms. Kim Wilford: I would say that we're proud of how we handled this campaign. We believe all the actions we took were responsible and timely, and we made informed decisions, removing the campaign when it violated our terms of service.

The Chair: Thank you very much.

I'll now turn to Ms. Michaud.

Ms. Michaud, you have a six-minute slot.

The floor is yours when you want to grab it.

[Translation]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

Thank you to the witnesses for making the time to answer our questions. The problem is that we don't have answers to a good many questions.

Mr. Benitez, you just said it, yourself: this was an unprecedented fundraiser. It gives rise to a host of questions. Is there a legal void on the regulatory side? I'm referring to the connection between online crowdfunding campaigns and the rise of extremism.

That's what I want to get at with my questions. Crowdfunding platforms like GoFundMe don't appear to be subject to the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. That means you don't have to report suspicious transactions to the Financial Transactions and Reports Analysis Centre of Canada, or FINTRAC.

Had you been subject to the act, would it not have been possible to raise a red flag as soon as concerns about the campaign began emerging?

You said you started taking a closer look at the campaign on day two given how much money had been raised in such a short period of time. Do you think it would be a good idea to use existing legislation to better oversee this type of funding?

[English]

Mr. Juan Benitez: I believe that question is directed to GoFundMe, so I will address it. Thank you.

Mr. Chair, we endeavour to have a posture at GoFundMe and processes, procedures and tools that we believe surpass the regulatory requirements we are under. Our decisioning on our platform is guided by the terms of service we have that documents what is permissible and what is not permissible on our platform. Our policies and procedures are designed to enforce these terms of service and are guided by them.

I would also remind the committee of what I mentioned in my opening remarks. We believe that there are multiple layers of framework here, and compliance. There are the investments that GoFundMe makes with our over 80 employees. Over 20% of our workforce is dedicated to policy monitoring, enforcement, financial crimes prevention, sanctions screening, etc. Then, of course, we work in partnership with our payment processing partners and their related obligations. Banks and card networks are ultimately involved in the final transactions. Across these three layers, there is significant participation and oversight by the different parties.

I'll stop there.

[Translation]

Ms. Kristina Michaud: My question is how do we draw the line. At what point do we draw the line to discontinue a fundraiser that is going awry? How do we determine that cause X is worthy, but that cause Y is less so?

Fundraising campaigns and crowdfunding platforms like yours have helped do a lot of good. We've seen a community rally together to help a family who lost their home in a fire, raising a significant amount of money. That's a good thing. At the outset, fundraising for a protest seems like a well-intentioned activity. If a Canadian feels strongly about a cause and chooses to protest, that's a good thing.

At what point do you raise the red flag when a protest that seemed worthy at the start quickly turns into an unlawful occupation linked to extremism? What tools do you have to say that, at this point, it's necessary to put an end to a fundraiser? What basis do you use to make that decision?

• (1135)

[English]

Ms. Kim Wilford: In response, I would say that GoFundMe has a very simple mission of helping people to help each other. We are proud of the fact that people come together on our platform to do good for one another, to help people meet their needs and realize their dreams. The platform helps people come together around the globe in situations like food insecurity, COVID, or even with the

Ukraine tragedy right now. It's about people coming to help one another.

Campaigns come to our attention in a variety of ways. In this case, again, this campaign was within our terms of service when it was formed. It was the donation velocity that brought it to our attention and discussions were held with campaign organizers to ensure that we would have a safe distribution of funds in accordance with the campaign content that kept it on our radar.

Our teams were meeting daily and many times during the day to assess the rapidly changing facts and circumstances of this campaign. It was upon receipt of the real time, credible, and very consistent information that we were getting from members of law enforcement, members of the local government, and talking to individuals on the ground that we understood that the campaign had now crossed the line. It had now started to be something that was a violation of our terms of service.

Again, to be clear, we do not allow campaigns on our platform that promote any form of hate, violence, harassment, discrimination of any kind or any form of intolerance.

[Translation]

Ms. Kristina Michaud: Thank you.

I'm almost out of time, so I'm going to ask a more technical question, for the committee's benefit.

You said that, at a certain point, you had released \$1 million, even though the campaign had likely raised more than that. How does that work? Have all the funds already been made available to the campaign organizer? How is it that you had the power to decide how much you were going to release to organizers?

[English]

Ms. Kim Wilford: We take our responsibility as an open platform very seriously. In this particular case, there was a lot of money raised and we were concerned about her ability to distribute to the number of individuals involved and then to identify registered charities that would be verified by us to be in good standing with the local charitable registries.

We were concerned that she could actually fulfill that promise that she had made in the campaign content. We were working with her, distributing an initial amount, initiating that \$1 million through our payment processing partners on January 27, which she could then distribute to individuals in accordance with the letter of attestation she had signed.

The Chair: Thank you very much.

I now invite Mr. MacGregor to take the floor, for six minutes.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you, Mr. Chair, and thank you to all of our witnesses for being with us today, and helping to guide our committee through this issue.

My first question is for GoFundMe.

Was GoFundMe aware of the memorandum of understanding that was widely publicized in January?

Our country just went through a democratic election in September, but this memorandum of understanding was designed to form a partnership between leaders of the convoy protest and our unelected Governor General and unelected Senate, completely bypassing the House of Commons.

Was GoFundMe aware of the memorandum of understanding?

Ms. Kim Wilford: GoFundMe was not aware of this memorandum of understanding. We are an open non-partisan platform. All the campaigns on our platform must comply with our very clear terms of service. This campaign, when it was created, and our original diligence with the organizer, didn't reveal that there were any issues.

Mr. Alistair MacGregor: Thank you for confirming that.

In your terms of service, you state that “Fundraising campaigns relating to misinformation, hate speech, violence and more are prohibited by our Terms of Service.” I want to focus on the misinformation part, because it became quite clear from the middle of January onwards that this convoy was rapidly attracting every single conspiracy theory known to this country, like a magnet attracts iron filings. There were all kinds of expletives used about our Prime Minister. Increasingly violent language was being used.

So how was it, with all of the documented evidence of misinformation.... It was reported repeatedly by the media, put on their own social media platforms, on YouTube videos and Facebook livestreams. How did that not constitute misinformation to your company?

• (1140)

Ms. Kim Wilford: Mr. Chair, in response to that, what I would say is that when this campaign was created, it complied with our terms of service. Our original diligence and our initial discussions with the organizer did not reveal any issues. We had constructive dialogue over how the funds were going to be disbursed.

Our teams were constantly reviewing all of the information, but there was a lot of misinformation, and that is why, in order to be very responsible in how we were handling this, we reached out to local law enforcement in response to their statement on January 31, to understand what was actually occurring, and upon receiving information over the next few days that showed it was now violating our terms of service—it had crossed the line and was now something that we could not support on the platform—we removed it on February 4.

Mr. Alistair MacGregor: Thank you for that confirmation.

I want to focus on the conversations you had with the Ottawa Police Service because there is a narrative out there that this was a peaceful protest. I agree that it started off with I think noble inten-

tions. I think a lot of people were there protesting and they wanted to peacefully assemble to make their voices heard. That is a cherished right in our democracy and the foundation of what we all believe in, but I want to dig down on the specifics.

When Ottawa law enforcement was in conversation with you in those early days of February, can you please provide some detail on what exactly they were reporting to your company that gave you concern? I think we need to have these details to understand what it was that led to you making that decision to pull this fundraiser.

Ms. Kim Wilford: Mr. Chair, what I would say in response to that is that I, myself, did not have any direct discussions with members of law enforcement. A number of individuals on our team did engage with them, and we all discussed the information being received. It was stating that there were acts of violence. There was damage and destruction. Harassment was occurring. Upon that information, we made the decision, along with the fact that our own internal discussions with the campaign organizer had changed, to remove this from our platform.

Mr. Alistair MacGregor: So in a sense—and please correct me if I'm wrong—in GoFundMe's opinion, by February 4 this was no longer a peaceful protest and instead was an occupation.

Ms. Kim Wilford: What I would say, Mr. Chair, is that in GoFundMe's view, on February 4 this became a violation of our terms of service, this campaign, and we removed it from our platform.

Mr. Juan Benitez: Mr. Chair, if I may, I'll add to Ms. Wilford's comments.

I appreciate the fact that it's coming up here in the committee that peaceful protest is cherished and that this campaign originally started as something that, by all known circumstances at that time, was a peaceful protest. I think that reinforces how unique and complex and unprecedented this situation was, and how quickly it evolved. We believe that we put in place all of our tools and actions that were appropriate to our terms of service, and we believe that given what we knew at the time all of the decisions were appropriate.

There was this change that occurred, a very poignant change where things went from something that seemed okay and permissible to our terms of service to something that was not okay and no longer permissible, and at the rate of change that was happening and the amount of information that was circulating, was very difficult to coalesce. So again, we feel confident in our policies and procedures and making the decision that we did to support originally and then closely monitor the situation, collaborate with local authorities, and then ultimately notice something change and then revoke the campaign based on violation of our terms of service.

The Chair: Thank you very much, colleagues. We're at the end of the first round.

Doing a quick calculation of the time, if I cut a minute from everybody in the second round, we'll finish pretty well at the top of the hour. Is that acceptable? Good.

Let's begin with Mr. Van Popta. You have four minutes.

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Thank you, Chair.

Thank you to all the witnesses for being with us here today, and for sharing your knowledge and experience with us as this committee works it way through some pretty tough questions.

My first question is for GoFundMe.

Mr. Benitez, you said in your opening statement—and it's been repeated a few times since then—that your organization supports peaceful protests, provided they are within your terms of service. I notice that you said peaceful protests, not necessarily lawful protests. I wonder if you could make a distinction there.

For example, let's say there was a GoFundMe campaign to support people protesting the harvesting of old growth forest in my home province of British Columbia, even if that were against a court-ordered injunction. There could be a protest against pipeline development, even though it's against the laws of trespass. In this case, it was a peaceful protest that did not comply with the city of Ottawa parking bylaws.

What's the distinction between lawful and peaceful?

• (1145)

Mr. Juan Benitez: The circumstances surrounding the campaigns on our platform are often very specific. Our organizers create campaigns on GoFundMe and they've created hundreds and thousands of them; in fact, millions of them have been created since our inception over a decade ago.

The circumstances can be very specific around what the organizer says, what they're communicating to the donors on our platform and what the specific use of funds may be, etc.

Unlawful activity is prohibited by our terms of service. When we become aware that activity on the platform is in violation of law or of our terms of service, we will remove it from our platform.

That consultation with local law enforcement and authorities is what helped us understand that real-time, on the ground information, which lead us to the determination of violation of the terms of service here for the "freedom convoy" campaign as well.

Mr. Tako Van Popta: Here's a follow-up question. Wasn't the "freedom convoy" in contravention of local laws right from the very beginning? Was that not part of your due diligence process in determining whether or not to accept this as a project?

Ms. Kim Wilford: Our review of the fundraiser did not suggest that it was in violation of any local law. We looked at the campaign content to look at how the funds were going to be used. At that time, it passed all of our checks, and our discussions with the organizer also supported that it was going to be acceptable within our terms of service.

Mr. Tako Van Popta: Good. Thank you.

This is another question for GoFundMe.

If and when we amend our laws, so that crowdfunding platforms need to report to FINTRAC, how will your practices change? What's that going to do to your business model? Will there be any significant changes?

Ms. Kim Wilford: What I would say in response to that is we would welcome the opportunity to work with the government to

figure out the exact issues and concerns and how we can help address them, while still supporting the beautiful world that occurs on GoFundMe every minute of every day, with people coming together from all parts of the world to help one another meet their needs and realize their dreams.

We will consistently and continuously not only meet our obligations under the laws that apply to us, but always work to operate a bit above that. To the extent it is determined that we should be regulated by FINTRAC, we will gladly assist and co-operate. Our services will continue and so will our internal policies and teams, evolving and meeting what's required.

The Chair: Thank you very much.

I'll now turn the microphone over to Ms. Damoff, who will have four minutes. The floor is yours.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair.

I'm going to ask my first question of the representatives from Stripe.

Before I do, I thank GoFundMe for all of the information you have provided with us thus far, but I only have four minutes.

To the folks from Stripe, PayPal cut ties with the crowdfunding site GiveSendGo after it was found that funds that were raised on GiveSendGo were used on the attack on the U.S. Capitol in January 2021. Stripe is now GiveSendGo's payment processor.

What have crowdfunding companies learned from January 6, and what gives you the reassurance to continue as a partner for GiveSendGo?

We know that GoFundMe found that the occupation in our country did not meet their requirements, but GiveSendGo continued to raise funds for them and you are their payment processor.

Ms. Katherine M. Carroll: Thanks for the question. I can address that.

As a financial infrastructure company, we enable companies and other organizations to connect to the online economy. As such, we take a very cautious approach to any decisions to terminate that access.

In the first instance, we generally look to governments in the jurisdictions where we operate to make determinations about what activity should be permissible and when that activity should be restricted.

We work with a broad range of organizations of many different political views across the spectrum, and we believe generally that our—

• (1150)

Ms. Pam Damoff: Sorry, with respect, we're not talking about political affiliation here, though. We're talking about a crowdfunding site that was raising funds for an insurrection in the United States, and then was used after another crowdfunding site determined that they didn't meet their terms of service. It accepted those funds.

What kinds of policies do you have in place? PayPal cut their ties with GiveSendGo, and yet you're still allowing payments to be processed there.

Ms. Katherine M. Carroll: I understand. Thanks for the follow up.

GiveSendGo, like most private funding platforms, supports a broad range of campaigns. As I said, we take a very cautious approach to terminating a party's access to financial infrastructure. We do, at times, for GiveSendGo and for other platforms, terminate individual campaigns on those platforms that we determine don't comply with our terms of service, including our long-standing policy against supporting businesses that promote violence—

Ms. Pam Damoff: I have only a minute left, so I'm going to cut you off because I'd like to ask PayPal. It's interesting that other platforms found that the occupation in Canada violated their terms of service, and yet Stripe did not.

I'm just wondering, PayPal, you cut your ties with GiveSendGo. Could you perhaps provide us with a bit of information as to why you did that?

Mr. Kevin Pearce: Mr. Chair, I have to admit that my being here in Canada, the actions taken or the discussions were in the U.S., so I'm not aware of the particulars of the relationship. But I can say in general that we regularly assess activity on our platforms against our “acceptable use” policy, and we carefully review account holders for any violations.

As I say, I'm not aware of the particulars, but I can say, as you've noted, that our relationship with GiveSendGo did cease after the events in Washington in January 2021.

Ms. Pam Damoff: Okay.

Thank you, Mr. Chair.

The Chair: Thank you. The committee owes you 12 and a half seconds, Ms. Damoff.

We move to Ms. Michaud. You are going to have to be so efficient. You have a million questions, and a minute and a half. Go ahead.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair. I'll try to keep it brief.

My question is for Mr. Benitez, from GoFundMe.

In your opening statement, Mr. Benitez, you said you did a review of where the donations to the freedom convoy were coming from. What worried us, at the beginning and throughout the convoy, was foreign interference and the fact that donations were being made anonymously and we didn't know where they were coming from. As I understand it, you have data on your donors, as well as the ability to determine where the funds are coming from. You said that 88% of the donations were from Canadians.

Do you know where the other 12% came from? Do you have indicators to help you categorize users, or donors, in order to raise a red flag when similar user profiles begin donating to similar, potentially problematic campaigns?

I would've liked to ask the PayPal representative the same question, given the platform's experience with donations that helped fund the January 6 attack on the Capitol. Those same donors may have contributed to the freedom convoy, since they tend to be drawn to campaigns of that nature.

In less than 30 seconds, I'd like the GoFundMe representative to answer the question.

[English]

The Chair: You'll have to be very quick, please. You have 20 seconds.

Mr. Juan Benitez: I also want to take this opportunity to appreciate the fact that some of the committee members have acknowledged what good happens on the GoFundMe platform. We are very proud and humbled by that and appreciate our opportunity to help communities in need.

In this case—

The Chair: That's a happy note on which to end your time.

Voices: Oh, oh!

The Chair: Thank you very much. Sometimes the world works as it's supposed to.

Mr. MacGregor, you have a minute and a half. Good luck.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

I'll turn to Ms. Carroll and Stripe.

Just help me walk through the timeline here, because GoFundMe announced that it was suspending the campaign on February 4, and that was after a well-publicized report from the Ottawa Police Service. On February 6, the City of Ottawa declared a local state of emergency, and by February 10, GiveSendGo had raised \$8.4 million. That's four days after a local state of emergency, when there were widespread police reports that things were going south in Ottawa, and it took a court order from the Government of Ontario to essentially freeze those millions of dollars.

I think we all have a question here. How did Stripe allow this to go so far? Were you not aware of what was happening with these funds? Why did your internal mechanisms fail to address this?

● (1155)

Ms. Katherine M. Carroll: We were monitoring the situation in Ottawa and across Canada very carefully, working together with our platform customers, which included both GoFundMe and GiveSendGo. We were working very closely with GoFundMe, for example, on the course of action they articulated and their decision to pause those accounts and to execute on those refunds.

We were also watching, of course, all of the declarations by local authorities and—

The Chair: You have 10 seconds, please.

Ms. Katherine M. Carroll: —the news about what was going on in Ottawa to see whether it rose to a level of promotion of violence for the campaigns. Our determination at that time was that it had not crossed that boundary.

The Chair: Thank you.

Ms. Katherine M. Carroll: We did, of course—

The Chair: Thank you very much.

We're down to our last two interventions. Do we have agreement that we can do three minutes each for these last two? Will that work?

Some hon. members: Agreed.

The Chair: Yes, Mr. Chiang, is three minutes okay with you?

Okay, let's go.

Mr. Shipley, the floor is yours.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Chair.

My questions will be mainly for Mr. Benitez.

Mr. Benitez, your statement raised some concerns for me over some of the issues that had taken place. I have your notes right here, and you mentioned that from February 2 through February 4, "We heard from local authorities." Could you tell me exactly who you mean by local authorities in this paragraph, this statement?

Ms. Kim Wilford: Mr. Chair, in response, what we would say is that they were Mayor Watson and interim Police Chief Bell.

Mr. Doug Shipley: Thank you.

I was here for those three weeks, as were most of my colleagues, albeit some could have been connecting remotely. That said, the reason I bring it up is that it's disconcerting to see in the very next sentence it mentions that "they"—again I'll use the word "they", but we know now who "they" are—"shared reports of violence and threatening behaviour".

Earlier, Ms. Wilford, you mentioned that there was "damage and destruction" happening. I'd like to know more about those reports. I ask this, Mr. Chair, because I'd like to know why.... We have asked the Ottawa police to attend and the OPP. Neither one of those groups has attended yet. Seeing this testimony today, I would like to point out that while of this was going on, we and our employees were all given briefings about attending work and walking to work, and nowhere did I see in any of the reports shared with us that there was violence, threatening behaviour and damage and destruction happening. Quite frankly, I encouraged—not encouraged, but I allowed my staff to still show up for work every day. I walked to work every day, as did most of my colleagues. We were given briefings on how to walk to work and how to walk into work.

This is a little disconcerting, so perhaps I could hear a little bit more on these shared reports.

I'd also like to perhaps hear, as a point of order from the chair or the clerk, as to why they have not attended yet and if they will be attending.

Ms. Kim Wilford: Mr. Chair, in response, what I would say is that I was not specifically part of the conversations with local law enforcement. I did speak to the mayor myself. We did hear reports of harassment, violence and damage occurring. Based on this credible information, we made informed decisions that this campaign no

longer complied with our terms of service and we removed it from the platform.

Mr. Doug Shipley: Again, I'm not questioning what you're hearing. I wasn't in favour of the blockades. I believe they needed to move. Obviously, they were causing concern to residents and businesses down here, and I was always of the belief that they needed to move on. However, hearing about the violence specifically—and that word is very serious—and again when I was encouraging my staff....

Perhaps, on a point of order, we could hear from the clerk as to when we will be hearing from the Ottawa police and why they haven't shown up yet when specifically our motion asked them to be here.

● (1200)

The Chair: Mr. Shipley, I can answer that.

They were invited and they came back to us and said that because of the intensity of their operations at the moment, they could not appear now. That was the answer given to us.

Clerk, is that correct? Yes.

This is the last slot we have now. Mr. Chiang, you have three minutes. The floor is yours.

Mr. Paul Chiang (Markham—Unionville, Lib.): Thank you, Mr. Chair, and thank you to the witnesses for appearing today and for all of the work you do.

My question is directed to Stripe. Given the weapons present at the crossing in Alberta and given the state of emergency we had happening here locally in Ottawa, what tools do you use to assess whether a transaction is suspicious and might be linked to violent extremism? How come you're not aware, with all the media reports going around about these occurrences in Canada, that you would still process these transactions?

Ms. Katherine M. Carroll: Maybe my colleague can speak to some of the compliance controls, but I would just note at the outset that, of course, once the Emergencies Act was invoked and restrictions were put in place by the government and when the court in Ontario imposed certain restrictions on activities, we were complying with those restrictions at the time.

Gerry, maybe you can speak to some of the other specific compliance controls.

Mr. Gerald Tsai (Head of Compliance, Stripe): Thank you for the question.

We do have a comprehensive compliance program, including a review of the fundraising platforms and the fundraisers. We collect information about them and monitor transactions coming into those programs and take a look for anti-money laundering type of behaviour, terrorism behaviour, as well as monitoring for sanctions.

In this situation, as my colleague has mentioned, we were also very carefully monitoring news reports about the situation. Stripe chose to suspend the accounts or comply with the order to suspend the accounts when the Ontario Superior Court issued its restraint order.

Mr. Paul Chiang: Thank you so much for that.

What about crowdfunding platform clients? What risk assessment tools do you use in determining whether to provide services to a crowdfunding platform in light of what's going on?

Mr. Gerald Tsai: If the question is about the fundraisers themselves that are on the crowdfunding platform, we do carefully look at the fundraisers. We collect information about them and compare that to a variety of government lists and lists we get from our banking and other partners to identify parties that have been sanctioned, parties that have been placed there for fraud and other purposes.

In this case, we did not identify anyone that was on those lists at the time the fundraisers were set up.

The Chair: Thank you very much.

That concludes this round and this first panel. I thank those who came to be witnesses. This is not particularly comfortable. In many cases, it's unprecedented. This is certainly not something you do every day.

On behalf of members of the committee, thank you for spending the last hour with us. It was very useful.

Colleagues, we will have a very short suspension to do a sound check for the next panel. I will see you in five minutes.

• (1200) _____ (Pause) _____

• (1205)

The Chair: I would like to call the meeting back to order.

With us for this second hour, by video conference, representing GiveSendGo, we have Jacob Wells, co-founder; and Heather Wilson, co-founder.

I now invite Mr. Wells to make an opening statement of up to five minutes.

Sir, the floor is yours.

Mr. Jacob Wells (Co-Founder, GiveSendGo): Great. Thank you so much, Mr. Chair, members of Parliament, for inviting us to be here today. It is our privilege to speak to you.

My opening statement is going to be brief. GiveSendGo was started by my sister Heather and me eight years ago. Our mission statement is to share the hope of Jesus through crowdfunding, which is our platform—a crowdfunding platform. We do that by allowing people to donate to campaigns from all around the world in conjunction with our payment solutions that we use to onboard people.

GiveSendGo continues to see great things happening around the world. Obviously, there are political campaigns, things that have tension around them, and we navigate them as best we can. But in light of that, our platform continues to be a beacon of hope and light for people all around the world as they give to endeavours that make a difference in our world each and every day.

Thank you very much.

The Chair: Thank you very much.

Now we will go to our opening round of questions, and the first questioner will be Mr. Lloyd.

Sir, you will have six minutes whenever you're ready.

Mr. Dane Lloyd: Thank you, Mr. Chair, and thank you to the witnesses for coming before us today.

I want to confirm something. A news report said that with your campaign specifically to support the convoy protesters, the 60% of the donations originated from Canada and 37% from the United States.

Is that correct?

Mr. Jacob Wells: Yes, that is an appropriate breakdown of the funds.

Mr. Dane Lloyd: In terms of the actual money raised, is that 60:37 per cent ratio fairly consistent, or what, percentage-wise, was the origin of the funding?

• (1210)

Mr. Jacob Wells: Yes, that's going to be very consistent. Most of the donations were under \$100, and it's pretty consistent across the board.

Mr. Dane Lloyd: Is it consistent in terms of around 60% of the total money being raised coming from Canada and 37% from the United States? I'm just confirming that the amounts are roughly consistent.

Mr. Jacob Wells: Yes, I believe it to be. I don't have the exact numbers in front of me, but I believe that to be the case, yes.

Mr. Dane Lloyd: Okay.

Forgive me, but I'd never heard of your organization before this convoy protest. Before this protest happened, what percentage of your business would you say was conducted in Canada? What percentage of your fundraisers were Canadian-based fundraisers?

Mr. Jacob Wells: I would say that probably around six per cent of our campaigns originate out of Canada.

Mr. Dane Lloyd: Can you give us an example of some of the campaigns that you've financed in Canada in the past?

Mr. Jacob Wells: Off the top of my head, probably not.

We have thousands of campaigns that come through GiveSendGo all the time. Most of them are related to missions trips, people going with churches to help with emergencies in communities—medical bills, adoptions, things like that. Likely all of those types of things have happened before in Canada through our platform.

Mr. Dane Lloyd: Would it be fair to say that the convoy protest was an unprecedented moment for your organization?

Mr. Jacob Wells: It was very unprecedented, 100% yes.

Mr. Dane Lloyd: So as an organization, you've never really funded anything political of this size before, anything related to protests against the government, in Canada?

Mr. Jacob Wells: No, definitely not. In Canada, and even here in the U.S., we don't.... One, GiveSendGo doesn't fund things. People start campaigns themselves and they get funding from their supporters, but that really doesn't happen anyways, anywhere.

Mr. Dane Lloyd: Yes, it seems consistent with GoFundMe. You don't actually handle the money yourselves; it's handled through the payment processors. Is that correct?

Mr. Jacob Wells: Correct. That is correct.

Mr. Dane Lloyd: There's been a lot of talk about your organization's involvement in the events of January 6 in the United States. Can you give us a little bit of a summary of your organization's involvement in that?

Mr. Jacob Wells: Sure. It was very little. There's a lot of misconception, a lot of misinformation, even from the last session that I heard. GiveSendGo had very little, if any, involvement in January 6.

We have allowed campaign owners to create campaigns and to proceed in legal activities, and one of those is their right to assembly and right to protest government. There were a handful, maybe 10 to 15 campaigns, prior to January 6, for people fundraising to go to the event. It was for hotel expenses and flights, those types of things. Usually the campaign was under a thousand dollars, so again—

Mr. Dane Lloyd: What would have been the total amount of money from all those campaigns for events related to January 6?

Mr. Jacob Wells: I would probably guesstimate \$10,000 to \$15,000.

Mr. Dane Lloyd: People are trying to state that somehow your organization was masterminding the financing of the events of January 6. With \$10,000 to \$15,000 for hotels and flight expenses, the evidence doesn't seem to back that up.

Mr. Jacob Wells: We have no evidence to support that. People obviously like to make claims to support their viewpoints.

Mr. Dane Lloyd: Of course.

How much time do I have left, Mr. Chair.

The Chair: You have a minute and 19 seconds.

Mr. Dane Lloyd: Because of the event and your involvement in Canada obviously, and the Government of Canada, I believe, did you shut down your page proactively or was it the government that shut down your page? How did that happen with your fundraiser?

Mr. Jacob Wells: Which campaign are you referencing?

Mr. Dane Lloyd: The one in Ottawa. The convoy protest. The “adopt a trucker” campaign.

Mr. Jacob Wells: The page has actually not been shut down. It's ongoing.

Mr. Dane Lloyd: The Government of Canada didn't shut down your page. Was it because they weren't able to or...?

Mr. Jacob Wells: We were never contacted by the government or law enforcement agencies there. We heard reports of the government doing various things, but they never reached out to us that we were aware of.

Mr. Dane Lloyd: The government never reached out to you to express their concerns with the fundraiser on your page? That seems consistent with GoFundMe.

Mr. Jacob Wells: Obviously, like you mentioned, the amount of traffic and volume was unprecedented. We are sizeably smaller than GoFundMe. There was an inundation of emails and a variety of things, so our team was handling it as best as they could. Things may have slipped through the cracks, but we were unaware of anything.

● (1215)

The Chair: Thank you.

I'd now like to turn the microphone over to Mr. Noormohamed.

Sir, you have six minutes and the floor is yours whenever you want it.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Thank you, Mr. Wells.

You're a veteran and we thank you for your service. You went on record on Fox News saying that you know what sacrifice is. Do you believe that calling for the overthrow of a democratically elected government or funding movements that speak to that is part of the freedom that you fought for?

Mr. Jacob Wells: No, I don't believe that.

Mr. Taleeb Noormohamed: The convoy and protesters spoke publicly of the desire to commit violence against the government and to overthrow the government.

Would your platform, having seen all of these things in the public domain, not have caught this as part of your prohibited activities and terms of use?

Mr. Jacob Wells: In our course of research around the campaigns, that was not something that we were aware of. Obviously, there are always fringe elements to any organization. I believe the media in general just tries to polarize the fringe things because it's great for the media. It doesn't necessarily constitute the general—

Mr. Taleeb Noormohamed: No. Sorry. You say that you believe that the media polarizes. Do you believe that it was polarization when the city of Ottawa was shut down and a variety of laws, statutes, regulations and ordinances of the City of Ottawa, as well as federal laws, were violated—which, again, fall counter to your terms of use?

This, by the way, would have only required you to turn on the television.

Mr. Jacob Wells: You can say that. I don't necessarily agree with that.

Mr. Taleeb Noormohamed: Do you believe that what happened in Ottawa was lawful protest?

Mr. Jacob Wells: From what I've seen, I believe it was lawful up to the point where orders were enacted to make it unlawful.

Mr. Taleeb Noormohamed: You believe that violating sound ordinances or traffic violations and blocking off entire streets outside the capital is perfectly reasonable even though it's considered unlawful?

Mr. Jacob Wells: I don't necessarily know that those things happened.

Mr. Taleeb Noormohamed: You don't know that those things happened.

Did you turn on the television and see anything about this campaign, sir, when you became part of the media narrative, even on Fox News?

Mr. Jacob Wells: I do need to make a distinction. The blockade over the bridges had nothing to do with the campaigns on GiveSendGo. There weren't campaigns on GiveSendGo for those blockades.

What happened in Ottawa, from what I was getting reports of on the ground, was that truckers did move into the city and that lanes of traffic were open and available for emergency vehicles and other vehicles to travel through. It was the police that—

Mr. Taleeb Noormohamed: Were you aware that horns were blaring through the night in violation of a variety of ordinances?

Mr. Jacob Wells: I did hear reports of horns blaring, that an injunction was made against that, and they stopped.

Mr. Taleeb Noormohamed: You knew the law was being broken in a variety of different ways in Ottawa. Your platform says that GiveSendGo is not a place for hatred, abuse, disrespect, profanity, meanness, harassment or spam. You knew there were reports, documented on video, of supporters of this convoy spewing hate, threatening violence, inciting people to rebel against the government and against the citizens of Ottawa.

Would your platform not have reasonably shut that down?

Mr. Jacob Wells: I'll reiterate that GiveSendGo does not condone violence of any form. We believe there's more power in the unity of peaceful protest. As in any polarized situation, we recognize there will be a few individuals and groups who might intentionally try to incite violence and hijack a movement.

Mr. Taleeb Noormohamed: How many are okay, then? How many bad apples are okay in a bunch?

Mr. Jacob Wells: We already have processes in place with law enforcement to take care of bad actors who are actually committing acts of violence.

Mr. Taleeb Noormohamed: How did you do that in this case? When you read hateful speech and when there were people who were speaking about overthrowing the government, inciting violence, did you shut those funds down? Did you prevent them from accessing the funds?

Mr. Jacob Wells: Again, the Canadian government did not reach out to us—

Mr. Taleeb Noormohamed: I'm asking about your terms of use, sir, the terms of use on your site.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): On a point of order, Mr. Chair, that line of questioning is very important, and we're all very passionate about this, but I think it's getting a bit abu-

sive. I would just ask the member to take a breath, ask his questions, but this is getting a bit too much. It's bordering on abusive at this point. I'd just ask him to take a breath.

• (1220)

The Chair: Okay, you can resume your questioning.

Mr. Taleeb Noormohamed: The breath has been taken. Now let me ask you again.

Your site explicitly says about prohibited activities and campaigns the following

You may not use the GiveSendGo service for activities that violate any law, statute, ordinance or regulation related to...(c) items that encourage, promote, facilitate or instruct others to engage in illegal activity, (d) items that promote hate, violence, racial intolerance, or the financial exploitation of a crime.

That's a pretty broad set of parameters. Is this on the basis of statute that is created by law, or at the discretion of GiveSendGo?

Mr. Jacob Wells: There's discretion around campaigns. As people have previously mentioned, this was an ongoing situation that was evolving quite rapidly. There is discretion within GiveSendGo to understand and make determinations upon whether those things are actually happening, in conjunction with local law enforcement or federal officials, none of which took the time to actually reach out to us and make us aware of those things.

Mr. Taleeb Noormohamed: Having now seen what you have seen, knowing what you now know, would you allow this type of funder to take place again?

Mr. Jacob Wells: It's something we take on a case-by-case basis. We have to navigate each one of these individually. The campaign itself was by a distinct group of individuals.

The Chair: Thank you very much.

I now invite Ms. Michaud to take the floor, for six minutes.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

Thank you for being here, Mr. Wells. We appreciate it.

I'm going to strive for a different tone, but a number of things you said worry me. I got the impression that, in the United States, where you are, the freedom convoy wasn't at all covered or perceived in the way that we here in Ottawa saw and experienced it.

I want to hear what you have to say about that. The way you spoke made it seem as though the movement was completely acceptable, as though you had no reason to raise a red flag and put a stop to the fundraising campaign.

I want to hear how you perceived that whole movement.

[English]

Mr. Jacob Wells: Americans, obviously, are different from Canadians in some respects. The perception we had over here, at least that I had, was that there was a protest going on against the overreaches of what some people believed the Canadian government to be involved in.

We believe that protest is fundamental to democracy and it needs to be upheld. Our own vice-president of the United States, two years ago, when navigating the protests happening throughout the U.S., and even around the world, said that peaceful protests and peaceful protesters need to be defended. We recognize that freedom is fundamental to all good things, but there are also ramifications to freedom. There's a tension and a balance. We try to navigate it as best we can.

What we were saying and feeling, coming out from what we were observing, was that this was a largely peaceful protest, with an attempt to marginalize it by a fringe percentage of the group that was trying to tarnish the whole thing. That's typically not how we operate, taking fringe elements to then broad stroke large movements.

[Translation]

Ms. Kristina Michaud: I agree with you that protests are lawful and fundamental to democracy. However, when a protest becomes unlawful and turns into an occupation, as the freedom convoy did, certain questions have to be asked. I'm not familiar with the laws in the United States, but in Canada, blocking a public roadway is illegal. When a protest has ties to the far right, it's worrisome. Certain questions have to be asked.

You said that you weren't contacted by the Government of Canada or Canadian law enforcement and that you weren't told to put a stop to the fundraiser. At a certain point, GoFundMe decided to do just that on its own initiative. I would say the majority of Canadians think that was the right decision, albeit a bit late.

If neither the Government of Canada nor Canadian police forces contacted you, did you hear from the Ontario Superior Court of Justice? I would think you heard about the injunction ordering that the convoy's funds be frozen.

• (1225)

[English]

Mr. Jacob Wells: I think there were news reports coming out that made mention of some of those Ontario court rulings. I can say that I did hear about it through the news.

[Translation]

Ms. Kristina Michaud: That wasn't a strong enough sign for you to think that it may be appropriate to stop the campaign, which was clearly funding a movement that was becoming disproportionately large—

[English]

Mr. Jacob Wells: Again, I do think some of the terminology around this needs to be accurate, and obviously broad-stroking movements such as “occupations” and militaristic things, which

were definitely not the case in these situations, just tend to polarize situations even more.

This, as we've mentioned, was an ongoing situation that was rapidly evolving, and we try to do the best with the foundation. I mentioned this before that our foundation is that the freedoms we have in western society came at a very high price and we won't trample on those lightly. Those freedoms came from the blood of men and women who died to give us freedom.

For us to just trample on people's freedoms because it's uncomfortable to some people, that's something we are very hesitant to do. We look at that because it's respectful of the sacrifices that have been made by men and women who have given up their safety for the sake of us to live in freedom.

We want to see that continue to happen. We want people to have freedom. We believe it as a core ethic for all good things. That's how we posture ourselves as a platform of hope and freedom for people.

[Translation]

Ms. Kristina Michaud: I'm curious as to how you can determine what constitutes freedom for a group of Canadians who are calling for that freedom, without really knowing what they are asking for or what the federal measures are that they are protesting against. You make it sound as though you were acting in good faith, as though you didn't really know what was going on and as though it was appropriate to keep it all going. You criticized GoFundMe for deciding to end—

[English]

The Chair: I'm sorry, Ms. Michaud.

[Translation]

Ms. Kristina Michaud: I'll try to pick up this conversation later. Thank you.

[English]

The Chair: We now move to the last speaker of this first round of questioning, Mr. MacGregor. You have six minutes, and the floor is yours, sir.

Mr. Alistair MacGregor: Thank you very much, Mr. Chair.

Thank you, Mr. Wells, for appearing before our committee. As I'm sure you can imagine, this is still a very sensitive topic for our country, and I think in the weeks and months ahead we as an entire country will be trying to peel away the layers to figure out how we got to this place. I do appreciate the fact that you did come before our committee.

From GiveSendGo's perspective, do you feel it is important to abide by and respect Canadian law?

Mr. Jacob Wells: Yes [Technical difficulty—Editor].

Mr. Alistair MacGregor: Can I pause my time, Mr. Chair?

The Chair: Yes, we'll pause your time while we sort out this technical problem.

Ms. Wilson, I hope that your connection is not frozen and the you are in a position to answer these questions on behalf of the company. Are you ready to engage with us now?

• (1230)

Ms. Heather Wilson (Co-Founder, GiveSendGo): Yes.

The Chair: Thank you. Go ahead, please.

Ms. Heather Wilson: I think the question was on whether or not we feel like we need to abide by Canadian law. Jacob started to answer it before his connection froze.

The answer is, yes, we do feel like laws are important for people. But we also—

Mr. Alistair MacGregor: I just wanted that confirmation, because it's important for me to get to my next point.

On Thursday, February 10, when the Conservative government of the province of Ontario applied to court to have the funds frozen that were raised on your platform, GiveSendGo posted a statement on Twitter that said, "Know this! Canada has absolutely ZERO jurisdiction over how we manage our funds here at GiveSendGo." It continues to say, "All funds for EVERY campaign on GiveSendGo flow directly to the recipients of those campaigns, not least of which is The Freedom Convoy campaign."

So if you respect applicable Canadian law, and a court came through and froze those funds—we have all of this documented evidence of what the police were reporting and the fact that the City of Ottawa had applied a local state of emergency—how does your statement on Twitter fit with what you've just told this committee right now?

Ms. Heather Wilson: I guess it comes back to the fact that as much as you want to say that the Canadian government made all these statements, if you were concerned about GiveSendGo and what we were allowing, I do not know why they did not reach out to us to ask us to take a look at this. We were all on hearsay, by what we were hearing from media on both sides, and it was not important enough for your government to reach out to GiveSendGo and tell us, "Hey, this is what's going on; this is where we're walking."

We were going by what we were hearing on both sides of the aisle and we were walking it out the best we could with, again, as Jacob said, standing on the line of freedom, allowing people.... You know, I really believe that if Trudeau had just come out and spoken with the truckers when they got there, a lot of this would have been avoided.

Mr. Alistair MacGregor: Sure, that's certainly an opinion that's out there. I mean, a lot of people would probably wonder which truckers we should have spoken to, because there was a variety of opinions within the convoy movement.

As you know, with the declaration of emergency that was made—and there will probably now be plans to bring crowdfunding sites more permanently under FINTRAC's jurisdiction—I'm just wondering, going forward, because I think our country needs a time of healing going forward, how you think GiveSendGo will learn from this experience. What do you think you will do differently, based on what you've learned?

Ms. Heather Wilson: That is a great question. It's what Jacob and I talk about all the time. We're siblings. We are walking this out. We've learned that we need to give grace to everybody involved. We have very strong opinions on things, but we need to give grace to the people who disagree with us. We need to give grace to ourselves to just understand that we're not going to get it right every time. We're going to continue walking this out and learning what God has put in front of us.

Our whole goal in this is to share hope with people. People who come on our platform are looking for something. They usually are raising funds. Very rarely is it political. They're looking to raise funds for something that's important to them. In that, we want to share something that goes beyond funds, and that is the hope we have found in Jesus. That is what we're going to continue to do.

As Jacob said earlier, we're going to take each step and case-by-case scenario. Just as we do our KYC and just as we review every single campaign and recipient who comes on our site, we are going to continue to be diligent in walking this out. We're not always going to get it 100% right, just like nobody in this room is going to get it 100% right all the time.

That's why these discussions are awesome. We can get together and we can talk about how we move forward to make sure people feel heard and they feel like their government hears them—

Mr. Alistair MacGregor: Thank you. I want to get one more question in, and I have only a minute left.

Regarding the jurisdiction piece going forward, you made the statement on Twitter that Canada has "absolutely ZERO jurisdiction". I would beg to differ, because you do use payment processors who are subject to our laws. I would just make the statement here that if you want to continue to operate in Canada, I think you do have to acknowledge that the Canadian government does have jurisdiction.

Specifically going forward, there was evidence of police reports and local states of emergency. It took the Government of Ontario to apply to the court to stop this. How can you learn from those specific things that happened? Do you need to be more cognizant of police reports and of what's going on in courts, etc.? I would like your comments on that specifically.

• (1235)

Ms. Heather Wilson: Sure. I think actually that the government needs to be more proactive in reaching out to the offenders or whoever they believe the offenders are.

We were doing our business, allowing people to raise funds on GiveSendGo. Your government took issue with that, but it would not come to us and tell us it took issue with it, and so if anybody should be looking at this, I think it should be a two-party act, so that if anybody has an issue.... The Bible speaks to this and says that when you have an issue with somebody, you go and talk to them about it and you resolve it.

The Chair: Thank you very much. We appreciate that.

Now we move into the second round, to be opened by Ms. Dancho.

Ms. Dancho, you have five minutes, and the floor is yours.

Ms. Raquel Dancho: Thank you very much, Mr. Chair.

I very much appreciate the testimony of the witnesses for the last hour and a half. It's been very informative with excellent questions from all sides.

Mr. Chair, I am going to pause my time and move a motion.

I move the following motion:

That, pursuant to standing order 108(2), the committee immediately begin a study on Canada's emergency preparedness for the range of threats posed by Russia, including threats to Canada's public safety and national security, to Canada's critical infrastructure (both physical and cyber), as well as the threat that Russia could resort to the use of espionage, sabotage, and weapons of mass destruction; that this study include at least eight meetings; that the committee invite the Ministers of Public Safety, Emergency Preparedness and National Defence to appear, and other witnesses as requested by the committee; and that the committee report its findings to the House.

Mr. Chair, after very fulsome and collaborative discussions with all parties—and I very much appreciate that we've had those—if I may speak for my party, we agree that this is an urgent matter. That's why we've decided to bring it forward today, given the context of what's happening in Ukraine.

We have had some discussions, and Ms. Damoff, I believe, will be next, and I very much hope we can reach a quick agreement and get back to the committee witnesses.

The Chair: Ms. Damoff, I see your hand.

Ms. Pam Damoff: Yes, Chair, thank you.

I want to thank Ms. Dancho for bringing the motion forward. I also wish that Canadians could see the cross-party collaboration that happens at committee. Too often we base our perception of politics on what we see in the House of Commons, and we don't see that parties do actually work together.

I am going to propose a couple of amendments, which, I believe, we all agree should be accepted. The first one would be that we add Russian misinformation and disinformation, in the motion, so specifically that following the words “both physical and cyber,” we add the words “the prevalence and impact of Russian misinformation and disinformation”, and at the very end of the motion we add the words “and that, pursuant to Standing Order 109, the Government table a comprehensive response to the report.”

I think we all want to hear the government's response. The amendments would be those two additions.

I would just add—and I'm not going to change the motion—that there was a conversation and in good faith we recognize that especially with what is happening in Ukraine at the present time, it may be difficult to get the Minister of National Defence here in person. Every effort will be made, but recognizing that, we could have top officials from the department, including the chief of the defence staff, if we are unable to coordinate the three ministers.

I am moving the amendment to include those two additions and changes to the motion.

The Chair: Are there comments?

Is there debate on the amendment? Let's go that way.

Ms. Michaud.

[*Translation*]

Ms. Kristina Michaud: Mr. Chair, I want to comment on what Ms. Damoff just said.

It's true that there was a lot of cross-party discussion and co-operation to reach a consensus. I, too, want to acknowledge that.

I also want to say that, because of the amendments brought forward by the Liberal Party, the Bloc Québécois will be supporting the motion.

[*English*]

The Chair: Mr. MacGregor.

Mr. Alistair MacGregor: Thank you, Chair.

I'd also like to express how well I think the negotiations went. I appreciate Ms. Dancho's bringing forward this motion. We've had discussions with Ms. Michaud and Ms. Damoff, and I'm glad that we could collaborate.

One thing I've found, Mr. Chair, is that this committee needs to be very nimble on its feet given its mandate, and certainly what's happened with the Russian invasion of Ukraine. Of course, with Canada's very vocal support of the Ukrainian people in their brave fight against total Russian aggression, we are opening ourselves up as a potential target of Russian activities. As a committee, we need to make sure that we are providing oversight and investigative tools to find out whether we are doing our best at countering these threats.

I appreciate the discussion that's been going on. I'm very happy with the direction we're going with this motion and the amendment.

Thank you.

• (1240)

The Chair: Thank you.

I saw two hands up, from Ms. Damoff and Ms. Dancho.

Go ahead, Ms. Damoff.

Ms. Pam Damoff: Very quickly, Mr. Chair, I forgot to mention that we also had discussions in that we would be continuing with the IMVE study that we have already passed a motion for. We'll do both of these studies simultaneously, and the subcommittee will meet as soon as possible to get a fulsome work plan done for the committee moving forward.

Thank you.

The Chair: Go ahead, Ms. Dancho.

Ms. Raquel Dancho: Again, I have two things.

I would like to thank committee members for their compromise in the negotiations on this very critical issue. It's very reassuring, I believe, for Canadians to know that the Standing Committee on Public Safety and National Security will be undertaking this study immediately.

I also appreciate Ms. Damoff's suggestion that, as she mentioned, if the Minister of Defence cannot come, that the chief of the defence staff come. I think that is a critical piece to reassure Canadians that everything is in hand, and I look forward very much to hearing some top officials explain to the committee and Canadians our emergency preparedness plans and procedures that are critical at this time, as very well outlined by Mr. MacGregor.

Thank you for that.

I think we can probably vote on the amendment now.

The Chair: I'll first ask if any members of the committee have further comments before we do.

Mr. McKinnon, did you have your hand up?

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Yes. Thank you.

I certainly appreciate the collaborative spirit here and welcome it. I will certainly support the motion and the amendments.

I have a question about process. I wasn't clear on whether the changes Ms. Damoff had proposed were in a single amendment or if there was a series of amendments to come.

Perhaps Ms. Damoff could clarify that.

The Chair: My understanding is that there are two amendments, but, Ms. Damoff, you can answer that for Mr. McKinnon.

Ms. Pam Damoff: I'm not proposing any additional ones beyond what I spoke about. I'm hoping that we could vote for both of the changes in one fell swoop.

Mr. Ron McKinnon: As a matter of process, we can deal with only one amendment at a time, so either it's one amendment—a motion to amend—and it all changes at once, or we need to take them, in my view, one at a time.

Ms. Pam Damoff: Yes. That was my intention: to have all those changes made in one amendment.

Mr. Ron McKinnon: Thank you. I appreciate that.

The Chair: If we can combine those two thoughts in one amendment, then we can proceed that way.

To facilitate that, I'll ask Ms. Damoff to repeat for members of the committee the amendment that she is proposing.

Ms. Pam Damoff: Thank you, Mr. Chair.

It is, after the word “cyber” adding the words “to the prevalence and impact of Russian misinformation and disinformation”, and, at the very end of the motion, adding the words “and that pursuant to Standing Order 109, the government table a comprehensive response to the report”.

The Chair: The clerk tells me that, as Mr. McKinnon has suggested, we have to deal with these amendments individually.

Let's start with the first amendment.

Ms. Pam Damoff: The first amendment is adding “to the prevalence and impact of Russian misinformation and disinformation”.

Maybe we could vote by a show of hands?

The Chair: Let's vote on that amendment.

Mr. Clerk, do we have unanimous consent?

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Excellent. We have unanimous consent.

Let's now move, Ms. Damoff, to the second amendment.

Ms. Pam Damoff: The second amendment is “and that pursuant to Standing Order 109, the government table a comprehensive response to the report”.

Maybe we can see if we get unanimous consent for that as well, Chair.

The Chair: I would ask for unanimous consent. I see thumbs and hands. Any contrary...?

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Both amendments have passed by unanimous consent, which means that we go back to the original motion as amended.

Clerk, do we want to do a roll call on that, unless there are further amendments or there is further commentary?

I have Ms. Dancho.

• (1245)

Ms. Raquel Dancho: I just wanted to mention that I do think the significance of this motion is quite high, so I would ask for a recorded vote.

The Chair: Yes, we will have a recorded vote.

Clerk, call the roll, please.

(Motion as amended agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you very much, colleagues. The motion passes as amended, and it's another really clear and important example of how this kind of cooperation and collaboration can lead us to a spot where everybody is comfortable. I hope that it is a template not only for this committee but for others as well.

Let's go right back to the questioning of our witnesses, please.

I have next on my list, Mr. Zuberi, who will have five minutes that we're going to have to recalibrate. I'll do that given how much time we might have left.

Ms. Raquel Dancho: I have a point of order, Mr. Chair.

Because I moved the motion, I don't believe that took my time, but do you want to correct me if I'm wrong? I am correct?

Oh, it did take my time. My apologies. My mistake.

The Clerk of the Committee (Mr. Wassim Bouanani): I need to take your time for that.

The Chair: I'm sure that you can find a way to express yourself through colleagues before it's all over.

Mr. Zuberi, you have the floor. You have five minutes.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): I'd like to thank the witnesses from GiveSendGo for being here and for taking the time.

Just to preface my comments, I found it interesting that you didn't have any substantive opening remarks similar to the other witness who came here from GoFundMe and from PayPal and from Stripe. Each had five minutes, and you did also. We weren't able to benefit from prepared remarks from you. I found that really interesting.

That said, I would like to get to an article that was published by The Guardian on April 10 about the data breach. It said that your organization has been involved in supporting fundraising efforts for the Proud Boys. Are you aware that the Proud Boys is a listed terror organization in Canada?

I'm not sure if the witnesses heard the question. Chair, my time is still running, and there are no responses.

Ms. Wilson, you're welcome to comment. Are you aware that Proud Boys is a terror group in Canada?

Ms. Heather Wilson: We are at this time. We are.

Mr. Sameer Zuberi: At this time. So when were you aware that Proud Boys is a terrorist organization?

Ms. Heather Wilson: Actually, when did you label them as a terrorist organization? I'm not sure.

Mr. Sameer Zuberi: In 2019. So it's been quite a while. We appreciate that you now are aware that Proud Boys is a terror group in Canada. My understanding is that your organization helped support \$375,000 in crowdfunding for at least 11 members of the Proud Boys. Is that accurate?

Ms. Heather Wilson: That sounds about right, that we did have some members of the Proud Boys raise funds on GiveSendGo.

Mr. Sameer Zuberi: Thank you for confirming that.

In terms of what happened with respect to the convoy here in Canada, as a result of the Government of Ontario's actions, \$8 million was frozen that you were facilitating. You were certainly aware of that, weren't you?

Ms. Heather Wilson: We had heard that there was an emergency act put in place to freeze convoy funds.

Mr. Sameer Zuberi: How did you hear about that?

• (1250)

Ms. Heather Wilson: On the media.

Mr. Sameer Zuberi: Media. Great.

So you heard about it through the media. Were you monitoring what was happening with respect to the convoy and the lawlessness around it?

Ms. Heather Wilson: You can call it "lawlessness"...okay. Yes, we saw what was unfolding on both sides of the narrative.

Mr. Sameer Zuberi: Were you aware that states of emergency were called around the convoy, in particular on February 6 when Ottawa called a state of emergency, the City of Ottawa.

Ms. Heather Wilson: We did see that on the news.

Mr. Sameer Zuberi: Were you aware that the Emergencies Act was brought into effect on February 15? Are you aware of that?

Ms. Heather Wilson: We did see that on the media.

Mr. Sameer Zuberi: But at what point did you stop supporting crowdfunding for the convoy?

Ms. Heather Wilson: We never supported it. We allowed the Canadians and people around the world who wanted to support it to support it. We never supported the convoy. We allowed them a platform to have a voice to do what they felt was important, which was to go to the capital and have a word about mandates that were going on.

Mr. Sameer Zuberi: Thank you.

Ms. Heather Wilson: And if somebody had wanted to do a [*Inaudible—Editor*] protest, we would have allowed it as well.

Mr. Sameer Zuberi: Thank you. I appreciate that comment.

On the record we know the City of Ottawa on February 6 declared a state of emergency. The Government of Canada as of February 15 introduced the Emergencies Act where it has effect, and you ignored it. Do you believe that you should be respecting the laws of Canada as you do operations that touch upon this country?

Mr. Jacob Wells: I can answer that.

Yes, we completely respect those laws in relation to the citizens they affect, who are Canadians.

Mr. Sameer Zuberi: Thank you for acknowledging that those laws must be respected.

We heard from GoFundMe that 20% of their workforce deals with compliance. What percentage of your workforce deals with compliance to ensure, as you said, that our laws must be respected?

Mr. Jacob Wells: We have a significant piece of our organization.

Mr. Sameer Zuberi: What exactly percentage, please?

If you are the head of the organization and you cannot say it, that's shocking.

Mr. Jacob Wells: Well, I can say—

Mr. Sameer Zuberi: Please give us that number.

Mr. Jacob Wells: —if you weren't going to cut me off.

Approximately the same percentage that GoFundMe has, we use for KYC and verification of campaigns and the legitimacy of campaigns and the organizers.

The Chair: Close up in five seconds, please.

Mr. Sameer Zuberi: We heard approximately 20%. Thank you very much.

The Chair: Thank you very much. This segment is done.

Let's now move to Ms. Michaud.

We're running out of time here. We're going to have to go a few minutes over. I'm just going to get some advice from the clerk about how many minutes we can go over.

In the meantime, Ms. Michaud, I will give you the floor for two and a half minutes.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

Mr. Wells, picking up our earlier discussion, I want to find out more about your terms of service. If I understand correctly, they prohibit fundraising activities or campaigns that raise funds for illegal activities, to cause harm to people or property.

Is that correct?

[English]

Mr. Jacob Wells: That is correct.

[Translation]

Ms. Kristina Michaud: All right. I gather that the media coverage you saw of what was happening here, in Ottawa, may have been different.

Did you realize that the occupation on Parliament Hill was illegal?

[English]

The Chair: Do we have an answer from one of the witnesses, please?

Ms. Heather Wilson: Again, we were seeing both sides of the narrative. I want to keep bringing this back to the following, because if this is really a discussion not to be against or for anyone of us but just how to move forward and improve, then I want to keep bringing this back to what you guys in Canada—"you guys", I'm so not legal—should be doing to make sure that when something happens, you are communicating.

You did not communicate with us at all about what was going on. We had to hear about it second and third-hand as we were trying to walk out what we should be doing as best practices. We're trying to walk this out, and the Government of Canada is making all these moves and not even contacting us or trying to get any information from us. We're supposed to hear about it second and third-hand.

If we're going to move forward, if this is what this discussion is about today, which is what we were led to believe, how to move forward to make sure these things don't happen again, then we need to be also talking about what governments should do when they think something is happening. You could have reached out to us.

• (1255)

[Translation]

Ms. Kristina Michaud: Sorry to cut you off, Ms. Wilson, but I have just a few seconds left.

On February 10, the Government of Ontario obtained a restraint order from the Ontario Superior Court of Justice to freeze access to the convoy's funds. You were advised of that information on February 10.

At that point, what did you do?

[English]

Ms. Heather Wilson: We didn't get any information from your government. We heard about it on social media. I can find out about aliens on social media as well. We heard about it on social media, and then we had to try to navigate what was going on. We knew the funds were in a U.S. bank account.

[Translation]

Ms. Kristina Michaud: According to the information we have, you received the court order.

[English]

The Chair: Thank you very much. That slot is over.

Colleagues, the clerk has informed me that we can go a few minutes after 1 p.m., which means that we will go the full round.

That means, Mr. MacGregor, you get your full two and a half minutes. Take them.

Mr. Alistair MacGregor: Thank you for the generosity, Mr. Chair.

Ms. Wilson, I think what this committee is trying to get at is that GoFundMe was able to have the resources in place and the intelligence operations within its own ranks to proactively shut this down. That seems to have been lacking with GiveSendGo. That's what we're trying to drill down on.

You said that nobody told you this was going on, but it was apparent to the entire world what was going on. It was quite evident, with trucks being parked on a major thoroughfare. I didn't have to search hard to see what was going on. That's what we're trying to get down.

I want to get a comment from you. When the Government of Ontario did move to freeze the funds on February the 10, they used a statement from an Ottawa Police Service officer who supported the affidavit. It was Constable Christopher Rhone. He said that GiveSendGo was knowingly facilitating the commission of indictable offences. He said "GiveSendGo does not appear to be an impartial provider of fundraising services to the Freedom Convoy 2022 protest" adding that GiveSendGo has been "expressly critical" of GoFundMe's decision to terminate its relationship with the campaign and "actively sought out the Freedom Convoy 2022 campaign to join its online fundraising platform".

It seems from that statement, knowing all of the problems that existed and knowing GoFundMe's reasons for disassociating itself, your company then went actively to fill in the void.

Do you have a comment on that?

Ms. Heather Wilson: Thank you for that question.

I think it's great. You've made a couple of points. You said that GoFundMe didn't do what's right, but you have been defending GoFundMe. It shows that you have a stake in the game as well. You had GoFundMe do exactly what you wanted.

You say "impartial". What is impartial? Impartial is someone taking down something because you want them to. Is that impartial? Or is impartial letting something stay whether you agree with it or not? We've had people say that we're not neutral. What's not neutral? We would have allowed an anti-protest fundraiser on our site as well.

Being neutral is not saying that...we don't want to be like GoFundMe. If you look, we've seen a lot of campaigns come to GiveSendGo because they were removed from GoFundMe because of political beliefs. We are simply here to share the hope of Jesus with people through crowdfunding. We don't care what your political beliefs are. We don't—

The Chair: Thank you very much. That was very clear. We appreciate your candour.

Colleagues, we have two more slots left. We'll go five minutes for each.

First up is Mr. Van Popta.

Mr. Tako Van Popta: Thank you to the witnesses for being here with us and sharing your experiences and knowledge.

I have a quick question for either of our two witnesses.

I want to drill down into the cyber-attack on your website and the information about donors that people thought was anonymous being made public. Perhaps you could tell us a bit about that.

How did that happen and what are you going to do to make sure that never happens again?

Mr. Jacob Wells: That's a great question. Thank you for that.

GiveSendGo takes the privacy of our users very highly. It was an unfortunate event. Obviously, in taking a neutral stance as we have on campaigns on our platform, we have a big target on our backs for those who are politically motivated.

In light of *[Technical difficulty—Editor]* were exposed by high-level hackers. Prior to that, we had been engaging outside security audits of our platform to ensure the safety of our platform.

Security has been something that we've been very vigorous about. It was a high-level attack in an attempt to take the platform out, which seemed very ideologically motivated. On the flip side of now having been the receiver of that illegal event, we've brought in additional resources to continue to improve our platform to make sure that type of illegal behaviour never happens again on our platform.

• (1300)

Mr. Tako Van Popta: Thank you.

I understand there's a court order freezing the funds. I understand that roughly \$10 million has been raised through GiveSendGo for this project. Where is that money today and will it be refunded?

Mr. Jacob Wells: We're having ongoing discussions.

The funds are being held legally here in the U.S. in a bank account. We are examining what the options are, going forward. Every legal method is being looked at by legal teams. We want to do what is legal, what is right to ensure funds *[Technical difficulty—Editor]* with their intention go to the recipient. If that's not possible, they would be refunded back to the givers.

Mr. Tako Van Popta: Is there a court order preventing you from delivering the funds to the intended party, the "freedom convoy"?

Mr. Jacob Wells: Yes. There are legal injunctions in place against it, which is why it hasn't happened.

We haven't made attempts to skirt the law. Regarding the injunction's recipients of the two campaigns in question, their accounts were shut down legally in conjunction with the court order.

GiveSendGo has done everything that's been legally required of us so far in this process, and we will continue to do so.

Mr. Tako Van Popta: Why wouldn't you just refund all the contributions, the way that GoFundMe did?

Mr. Jacob Wells: That's a great question, and it's a really appropriate question. It's on the table.

This has been an ongoing situation that's rapidly changing. The response of the government has rapidly changed. There are a lot of moving parts and a lot of variables. It's not an easy situation. We don't take it lightly and we understand that everybody here has.... It's been somewhat of an issue and a stress in trying to figure it out and navigate it well.

[Technical difficulty—Editor] will be making decisions over the next several days about how we want to proceed, in conjunction with legal counsel and what's happening in the legal cases surrounding these issues.

Mr. Tako Van Popta: I have one quick question. There's talk here in Canada that funding platforms such as yours are going to become subject to our FINTRAC rules. You might not know what that is, but there is the American counterpart—I'm not sure what the name of it is.

How will your business model change if you become subject to FINTRAC's anti-money laundering rules?

The Chair: You have 10 seconds to answer.

Mr. Jacob Wells: It's a great question. We're going to do everything that we're required to do by law in order to keep our platform viable and to continue the service that we have for Canadians and other people around the world.

The Chair: Thank you very much.

Mr. McKinnon, I see your hand is up. Do you have a point of order, or is that an old hand?

Mr. Ron McKinnon: I'm sorry. That's a residual hand. I'll take it down.

The Chair: We keep seeing that hand from you, Mr. McKinnon. It's getting older and older.

The last slot of this morning belongs to Ms. Damoff. Take it away. You have five minutes.

Ms. Pam Damoff: Thank you very much, Mr. Chair.

I'm going to give the benefit of the doubt to our witnesses that they're not familiar with Canadian jurisdiction and our different levels of government, but until the Emergencies Act was put in place, the federal government did not have jurisdiction. It was under provincial jurisdiction, and the Ottawa Police Service was the agency of jurisdiction.

We know the Ontario courts froze your accounts. Did you have contact from the Ontario solicitor general's office?

Maybe someone whose connection is not frozen can answer. Can we freeze my time if he's frozen?

● (1305)

Ms. Heather Wilson: I can answer. No, we did not have any contact with anybody.

Ms. Pam Damoff: The Ontario government did not reach out to you, either, when they froze your funds. How did you find out from the Ontario court that your funds were frozen?

Ms. Heather Wilson: We found out from social media and mainstream news.

The funds are in a U.S. bank, so they're not necessarily frozen. They cannot get to the recipient on the ground in Canada at this moment, but—

Ms. Pam Damoff: You were pretty clear that you thought the federal government and the Prime Minister should have been reaching out to you, but with all due respect, until the Emergencies Act was put in place, we had no jurisdiction to contact you. Once the Emergencies Act was put in place and we had jurisdiction, the crowdfunding funds that you were holding were already frozen, so there was no reason for the federal government to be reaching out to you.

I have another question for you, though, following up—well, that's the just facts. It's just the facts. You may not agree with them, but the fact is we were not the government of jurisdiction until the Emergencies Act was enacted on February 14. I'm really quite—

Ms. Heather Wilson: So you did nothing. You don't take any responsibility in this is what you're saying.

Ms. Pam Damoff: I'm sorry. We enacted the Emergencies Act, Ma'am, for the first time since that legislation was introduced, so

we certainly did have a role. We took the occupation extremely seriously, as a threat to Canadians. It was a public safety threat and that's why we invoked the Emergencies Act, so we absolutely took it seriously.

I have extreme concerns, though, about the comments you were making to my colleague about the Proud Boys. We listed them as a terrorist entity in 2019. The United States has not done that. You continue to fundraise for them. You continue to fundraise for groups that promote Islamophobia, anti-Semitism, Nazi sympathizers and white supremacists.

I just wonder how you can justify giving people like that a platform to raise funds.

Mr. Jacob Wells: That's a great question.

If we started mandating litmus tests for how good people ought to be in order to use public services, we would be in a very, very difficult situation very quickly. The problem is—

Ms. Pam Damoff: Would you allow a fundraiser on your platform from the Ku Klux Klan, sir?

Mr. Jacob Wells: If the fundraising activity was legal and it was legally authorized to happen, we would allow people to fundraise for things that are legal—

Ms. Pam Damoff: So the Proud Boys will still be able to fundraise on your platform and you would not have a problem fundraising for the Ku Klux Klan is what you're saying.

Mr. Jacob Wells: Just to be clear, if individuals or organizations that are legally authorized to receive payments and go through the KYC checks and the AML checks that everyone is required to do, and have been done through our platform, if they pass all of those measures and what they're fundraising for is legal, then yes, we will allow them to fundraise.

In the same moment, we will share our hope with them, which is—

Ms. Pam Damoff: Are there anti-hate provisions in your terms of service?

The groups that we're talking about are hate groups. Groups that promote Islamophobia, groups like the Proud Boys, groups like the Ku Klux Klan have no place in our society.

I'm sorry, all this mumbo-jumbo about legal.... Do you not have anti-hate provisions in your terms of service?

Mr. Jacob Wells: You can read our terms of service. They're very clear. They're right there on our website. We have plenty of terms in there that guide how we operate as a business, as an organization.

We believe, completely to the core of our being, that the danger of the suppression of speech is much more dangerous than the speech itself, and this has been attested through—

Ms. Pam Damoff: Sorry, my time is up, but I'm just going to say that my brand of Christianity is very different from yours if it includes hate.

• (1310)

The Chair: Thank you very much, everybody. This has been an intense, dynamic couple of hours.

To the witnesses, thank you for making yourselves available and participating in sometimes an uncomfortable conversation, but a

very important one. On behalf of my colleagues in committee and all parliamentarians, I thank you for your appearance today.

Colleagues, thank you for your insightful questioning and for co-operation on the motion.

I would now entertain the idea that we adjourn the meeting. Do I have agreement?

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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FINTRAC Mandate

As Canada's financial intelligence unit, FINTRAC's mandate is to facilitate the detection, prevention and deterrence of money laundering and the financing of terrorist activities, while ensuring the protection of personal information under its control.

FINTRAC is one of 13 federal departments and agencies that play a key role in Canada's Anti-Money Laundering and Anti-Terrorist Financing Regime. The Centre is an administrative financial intelligence unit and not a law enforcement or investigative agency. It does not have the authority to freeze or seize funds, or cancel or delay transactions.

FINTRAC's mandate is to ensure the compliance of businesses subject to the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and associated Regulations, and to generate actionable financial intelligence for police, law enforcement and national security agencies to assist in the investigation of money laundering and terrorist activity financing offences or threats to the security of Canada.

As part of their obligations, businesses subject to the Act are required to establish a compliance program, identify clients, keep records and report certain types of financial transactions to FINTRAC, including international electronic funds transfers, large virtual currency transactions, large cash transactions and suspicious transactions.

These reports are analyzed and assessed alongside the other reports and information that FINTRAC receives. When, on the basis of its analysis and assessment, FINTRAC has reasonable grounds to suspect that financial intelligence would be relevant to investigating or prosecuting a money laundering offence or a terrorist activity financing offence, or would be relevant to threats to the security of Canada, the Centre generates a financial intelligence disclosure for Canada's police, law enforcement and national security agencies.

In 2020-21, FINTRAC provided 2,046 disclosures of actionable financial intelligence in support of investigations related to money laundering, terrorist activity financing and threats to the security of Canada. Since becoming operational in 2001, the Centre has provided more than 22,000 financial intelligence disclosures to Canada's police, law enforcement and national security agencies.

Last year, FINTRAC's financial intelligence contributed to 376 major, resource intensive investigations, and many hundreds of other individual investigations at the municipal, provincial and federal levels across the country.

Under subsection 55(1) of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, FINTRAC is prohibited from discussing any information that it may have received or financial intelligence that it may have disclosed to police, law enforcement and national security agencies.

Special Joint Committee on the Declaration of Emergency (DEDC)

 Senator Gwen Boniface (Independent Senators Group, Ontario) CHAIR - Appointed to the Senate in 2016 - First female inspector in the Ontario Provincial Police (OPP), and Commissioner.	 Senator Claude Carignan (Conservative Party of Canada, Quebec) DEPUTY SENATE CHAIR - Appointed to the Senate in 2009 - Former Government Leader in the Senate (2013 to 2015), Opposition Leader in the Senate (2015 to 2017)
 Rhéal Fortin (BQ) (Rivière-du-Nord, Quebec) HOUSE CO-CHAIR - MP since 2015, and former interim BQ leader (2015 to 2017) - Vice-Chair of the Standing Committee on Justice and Human Rights	 Matthew Green (NDP) (Hamilton Centre, Ontario) HOUSE CO-CHAIR - MP since 2019 - Member of the Standing Committee on Access to Information, Privacy and Ethics
 Arif Virani (LPC) (Parkdale-High Park, Ontario) VICE-CHAIR MP since 2015, and Parliamentary Secretary to the Minister of International Trade, Export Promotion, Small Business and Economic Development	 Glen Motz (CPC) (Medicine Hat—Cardston—Warner, Alberta) VICE-CHAIR MP since 2016, and former Deputy Shadow Minister of Public Safety (2017 to 2021)

 Larry Brock (CPC) (Brantford-Brant, Ontario) - MP since 2021 - Deputy Shadow Minister of Justice and Attorney General of Canada	 Yasir Naqvi (LPC) (Ottawa Centre, Ontario) - MP since 2021 - Parliamentary Secretary to the President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness
 Rachel Bendayan (LPC) (Outremont, Quebec) - MP since 2019 - Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance	 Senator Peter Harder (Progressive Senate Group, Ontario) - Appointed to the Senate in 2016 - Former Government Representative in the Senate from 2016 to 2019
 Senator Vern White (Canadian Senators Group, Ontario) - Appointed to the Senate in 2012 - Former Chief of Police for the Durham Region and the City of Ottawa - Former member of the National Security and Intelligence Committee of Parliamentarians (NSICOP)	

Special Joint Committee on the Declaration of Emergency (DEDC)



CHAIR

Name: Senator Gwen Boniface (Ontario)

Group: Independent Senators Group (ISG)

Senate Experience:

- Appointed to the Senate on November 10, 2016

Roles/Committees:

- Member of the Standing Senate Committee on Foreign Affairs and International Trade, and Rules, Procedures, and the Rights of Parliament

Senator Boniface became the first woman Inspector in the Ontario Provincial Police (OPP), the first woman appointed as Commissioner of the OPP, and the first female President of the Canadian Association of Chiefs of Police. She served for three years as the Deputy Chief Inspector of Ireland's Garda Síochána Inspectorate, tasked with bringing reform to the national police service, then took on the role of Transnational Organized Crime Expert with the United Nations Police Division, where she developed a plan to address organized crime in conflict and post-conflict countries and was a member of the UN Counter Terrorism Integrated Task Force.

Senator Boniface served as Commissioner on the Law Commission of Canada for five years, during which time she participated in independent research, study and debate on the modernization of a wide range of issues. She also served on the Board of Governors of the Law Commission of Ontario from 2011 to 2014. Senator Boniface has initiated many reforms to promote Aboriginal policing.

She is a long-time member of the International Association of Chiefs of Police (IACP), where she currently serves as Deputy Executive Director. In addition, she was the founding President of the Canadian Police Chiefs International Service Agency, a non-profit organization created to address sexual exploitation of children.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



SENATE DEPUTY CHAIR

Name: Senator Carignan (Quebec)
Group: Conservative Party of Canada (CPC)

Parliamentary Experience:

- Appointed to the Senate in 2009

Roles/Committees:

- Member of the Standing Senate Committee on Ethics and Conflict of Interest for Senators, and Energy, the Environment and Natural Resources

The Honourable Claude Carignan, P.C., was appointed to the Senate in 2009, and was Leader of the Opposition from November 2015 to March 2017. Before he was Leader of the Opposition in the Senate, in August 2013, Claude Carignan was appointed to the position of Leader of the Government in the Senate and was also a member of Cabinet until fall 2015. In May 2011, he was appointed Deputy Leader of the Government.

As a legislator, Senator Carignan introduced two bills in fall 2016. Bill S-230 (drug-impaired driving) passed unanimously in the Senate on December 15, 2016, but while under consideration by the House of Commons, it did not receive the support of the Liberal government in fall 2017. Also in fall 2016, Senator Carignan introduced Bill S-231 (protection of journalistic sources), which passed unanimously in the Senate and the House of Commons. The bill received Royal Assent on October 18, 2017.

Chair of the Union des municipalités du Québec's justice and public safety commission, Claude Carignan then became that organization's second vice-president. He was then appointed president of the Conseil sur les services policiers du Québec in 2008, an advisory body created to advise the Quebec Minister of Public Security on all policing matters.

Mr. Carignan was elected mayor of Saint-Eustache in November 2000 and served in that role for nine years. Claude Carignan holds a law degree from the Université de Sherbrooke, Quebec, and a graduate degree in public law from the Université de Montréal.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



HOUSE CO-CHAIR

Name: Rhéal Éloi Fortin (Bloc Québécois)

Riding: Rivière-du-Nord (Quebec)

Parliamentary Experience:

- MP since 2015

Roles/Committees:

- Vice-Chair of the Standing Committee on Justice and Human Rights

Rhéal Éloi Fortin is the member of the Bloc Québécois for Rivière-du-Nord, and is a lawyer by profession. He is the president of Bissonnette Fortin Giroux, a law firm in Saint-Jérôme. He studied law at University of Sherbrooke. He has been politically active ever since high school, when he volunteered to put up lawn signs for the Parti Québécois. He ran for the Parti Québécois nomination for the election for the National Assembly of Quebec for Prévost, but lost to Gilles Robert.

In 2015 he ran for the Bloc Québécois in the riding Rivière-du-Nord and won. MP Fortin was named interim leader of the Bloc Québécois on October 22, 2015 following the resignation of Gilles Duceppe as leader after Gilles Duceppe did not win his seat in the election.

He served as interim leader of the party until the next leader, Martine Ouellet was named on March 18, 2017. He then served as the BQ's critic for intergovernmental affairs, human rights, justice, and access to information in the House of Commons until February 2018, when he and six other Bloc MPs quit the caucus and formed the Groupe parlementaire québécois in protest of Martine Ouellet's leadership style. Mr. Fortin rejoined the Bloc Québécois on September 17, 2018.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



HOUSE CO-CHAIR

Name: Matthew Green (NDP)
Riding: Hamilton Centre (Ontario)

Parliamentary Experience:

- MP since 2019

Roles/Committees:

- Member of the Standing Committee on Access to Information, Privacy and Ethics (ETHI)
- Member of the Subcommittee on Agenda and Procedure of the Standing Committee on Access to Information, Privacy and Ethics

MP Matthew Green MP was elected in the 2019 Canadian federal election, and re-elected in 2021. Prior to his election to the House of Commons, he was the first Black Canadian to serve on the Hamilton, Ontario City Council, where he represented Ward 3 from 2014 to 2018.

Green grew up in Hamilton, and received a degree in political science from Acadia University. He later attended McMaster University in Hamilton. First elected to the Hamilton City Council in 2014, he led the way for the city to become the first in Ontario to license and regulate payday lending. In 2018, he became the executive director of the Hamilton Centre for Civic Inclusion (HCCI), a non-profit organization that promotes racial equality.

MP Green joined the NDP in 2017, after being inspired by Jagmeet Singh's stance against racial profiling. He has been a vocal opponent of police brutality, and has endorsed a nationwide ban on the use of tear gas.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



VICE-CHAIR

Name: Arif Virani (Liberal)

Riding: Parkdale-High Park (Ontario)

Parliamentary Experience:

- MP since 2015

Roles/Committees:

- Parliamentary Secretary to the Minister of International Trade, Export Promotion, Small Business and Economic Development
- Member on the Standing Committee on International Trade (CIIT)

Arif Virani was first elected as the Member of Parliament for Parkdale—High Park in 2015. He previously served as Parliamentary Secretary to the Minister of Justice and Attorney General of Canada and to the Minister of Democratic Institutions, Parliamentary Secretary to the Minister of Canadian Heritage (Multiculturalism), and Parliamentary Secretary to the Minister of Immigration, Refugees and Citizenship.

Mr. Virani came to Canada as a Ugandan Asian refugee. Before entering politics, he worked as a constitutional litigator, advocating for human rights and access to justice. Mr. Virani was an analyst with the Canadian Human Rights Commission in Ottawa, an investigator at the Commission des droits de la personne et des droits de la jeunesse in Montréal, and an assistant trial attorney prosecuting those accused of genocide at the United Nations International Criminal Tribunal for Rwanda.

Mr. Virani has an Honours Bachelor of Arts in History and Political Science from McGill University, and completed his Bachelor of Laws at the University of Toronto.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



VICE-CHAIR

Name: Glen Motz (CPC)
Riding: Medicine Hat—Cardston—Warner (Alberta)

Parliamentary Experience:

- MP since 2016

Roles/Committees:

- Official Opposition Deputy Shadow Minister for Public Safety and Emergency Preparedness from 2017 to 2019, and Associate Shadow Minister from 2019 to 2021.

Glen Motz is a former police officer with the Medicine Hat Police Service. He has received numerous awards. Most notably, in 2012 he received the Queen Elizabeth II Diamond Jubilee Medal for dedicated service to his peers, community and to Canada. In May 2013, His Excellency the Right Honourable David Johnston, Governor General of Canada presented him with The Order of Merit of Police Forces which was created to recognize conspicuous merit and exceptional service by members and employees of Canadian police forces whose contributions extend beyond protection of the community.

Glen Motz has volunteered on the Board of Directors for Big Brothers/Big Sisters, the Medicine Hat Women's Shelter Society, as well as the Medicine Hat and District Food Bank.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



Name: Larry Brock (CPC)
Riding: Brantford-Brant (Ontario)

Parliamentary Experience:

- First elected in 2021

Roles/Committees:

- Deputy Shadow Minister for Justice and Attorney General of Canada.
- Member on the Standing Committee on Justice and Human Rights (JUST)

Larry has a Bachelor's degree from the University of Waterloo and a law degree from the University of Calgary. Before being elected, he was the Assistant Crown Attorney for Brant.

A lifelong resident of Brant, Larry has demonstrated strong leadership and commitment to family, community and public service having served as Chair of the board of the Crossing All Bridges Learning Centre which helps adults with developmental difficulties succeed in education, employment, and independent living. He was President of St. Leonard's Community Services which provides justice, employment, youth and family, addiction, and mental health services. And in 2015 he served as Chair of the United Way campaign which raised more than \$1.6 million for local charities.

Larry and his wife Angela are the proud parents of 12-year-old twin daughters Jennie and Emma, who are active members of Brantford Aquatic Club.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



Name: Yasir Naqvi (LPC)
Riding: Ottawa Centre (Ontario)

Parliamentary Experience:

- MP since 2021

Roles/Committees:

- Parliamentary Secretary to the President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness

Mr. Naqvi immigrated to Canada from Pakistan with his family in 1988. Mr. Naqvi served as a Member of Provincial Parliament in Ontario for close to 11 years. During this time, he held the roles of Attorney General of Ontario, Government House Leader, Minister of Community Safety and Correctional Services, and Minister of Labour. As a member of the Ontario legislature, he helped raise the minimum wage, ban race-based carding, and modernize the provincial court system. He was also an advocate for public services and sustainable community growth.

Mr. Naqvi served as the Chief Executive Officer of the Institute for Canadian Citizenship from 2019 to 2021. He has also practised international trade and administrative law with major law firms. He has sat on the boards of many community organizations, including OrKidstra, United Way East Ontario, and the Ottawa Local Immigration Partnership.

Mr. Naqvi holds a Bachelor of Science in Life Sciences and a Bachelor of Arts in Political Science, both from McMaster University, as well as a Bachelor of Laws from the University of Ottawa and a Master of Arts in International Affairs from Carleton University. He was called to the Ontario Bar in 2001 and called to the Bar of England and Wales in 2002. Mr. Naqvi has two children, Rafi and Elliana.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



Name: Rachel Bendayan (LPC)
Riding: Outremont (Quebec)

Parliamentary Experience:

- MP since 2019

Roles/Committees:

- Parliamentary Secretary to the Minister of Tourism and Associate Minister of Finance

Ms. Bendayan has previously served as the Parliamentary Secretary to the Minister of Small Business, Export Promotion and International Trade.

Over a period of close to 10 years, Ms. Bendayan built a successful legal practice at Norton Rose Fulbright in the fields of litigation and international arbitration, specializing in international trade law.

Ms. Bendayan also taught at the University of Montréal's Faculty of Law. She later served as Chief of Staff to the federal Minister of Small Business and Tourism.

Mother to a toddler and deeply engaged in her community, Ms. Bendayan has a strong connection to the families she represents in the Montréal neighbourhoods of Outremont, Mile End, and Côte-des-Neiges.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



Name: The Honourable V. Peter Harder, P.C.
(Ontario)

Group: Progressive Senate Group (PSG)

Senate Experience:

- Appointed to the Senate on March 24, 2016

Roles/Committees:

- Member of the Standing Senate Committee on Legal and Constitutional Affairs, Foreign Affairs and International Trade, and Rules, Procedures and the Rights of Parliament

Senator Harder was appointed to the Senate on March 24, 2016 and was named Government Representative in the Senate at the time. He remained in this position until January 7, 2021.

Mr. Harder spent 29 years in the federal public service, including 16 years as Deputy Minister, which included heading the Department of Foreign Affairs and International Trade, Citizenship and Immigration, Industry, Solicitor General, Public Security, and the Treasury Board Secretariat. As Deputy Minister, he oversaw the legislative process of countless bills and has appeared before standing committees of the House of Commons and the Senate.

From 2003-2007, he served as Personal Representative of the Prime Minister (Sherpa) to three G8 Summits. He is an expert on Canada-China relations and was elected President of the China-Canada Business Council in 2008.

He chaired the United Church of Canada Foundation and the Commonwealth Games Foundation. He has provided his time to several organizations and is currently involved with the National Arts Centre, the Glenn Gould Foundation, the Canadian Global Affairs Institute, the Institute for Research on Public Policy, and the Advisory Committee on the Ukrainian Jewish Encounter. He was also the Royal Bank visiting Chair on Women and Work at Carleton University.

Updated March 2022

Special Joint Committee on the Declaration of Emergency (DEDC)



Name: Senator Vern White (Ontario)
Group: Canadian Senators Group (CSG)

Parliamentary Experience:

- Appointed to the Senate on February 20, 2012

Roles/Committees:

- Member of the Standing Senate Committee on Legal and Constitutional Affairs, and Ethics and Conflict of Interest for Senators
- Former Member of the National Security and Intelligence Committee of Parliamentarians (NSICOP)

Born in New Waterford, Nova Scotia, Senator Vernon White holds a Doctorate in Police Leadership from Charles Sturt University, a Master of Arts in Conflict Analysis and Management from Royal Roads University, a Bachelor of Arts in Sociology and Psychology from Acadia University, is a graduate from the National Executive Institute-FBI, has extensive education at managerial and investigational levels within the Royal Canadian Mounted Police, is a graduate of the RCMP Training Academy and holds a Diploma in Business Administration from the College of Cape Breton.

Senator White has worked with the RCMP, moving through the ranks from Constable to Assistant Commissioner. He has served in Newfoundland and Labrador, Nova Scotia, Ontario and spent almost 19 years in the three northern territories. He was Chief of Police for the Durham Region as well as the City of Ottawa.

He has been an Adjunct, visiting or part-time professor at the University of Ontario Institute of Technology, Charles Sturt University, University of Ottawa, Carleton University, Simon Fraser University and Royal Roads University. He is a Fellow at the Australian Strategic Policy Institute.

Mr. White has been honoured with a number of awards and commendations over the years, including a Commissioners Commendation, a Queen's Jubilee Medal, and a United Way Community Builder of the Year Award. Senator White left the Conservative Senate Caucus to join the Canadian Senators Group on November 4, 2019.

Updated March 2022